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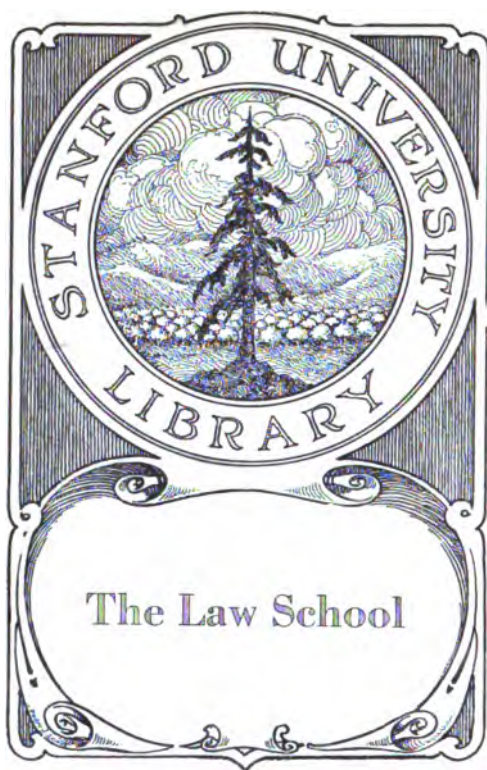
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Revised 1872

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

**REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT ON
MONDAY, THE FOURTH DAY OF DECEMBER, 1871.**

PUBLISHED BY AUTHORITY.

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PUBLIC ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE
GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE FOURTH
DAY OF DECEMBER, 1871.

P. H. LESLIE, *Governor.*

JOHN G. CARLISLE, *Lieut. Gov'r and Speaker of Senate.*

JAMES B. McCREARY, *Speaker of the House of Reps.*

A. J. JAMES, *Secretary of State.*

JOHN RODMAN, *Attorney General.*

CHAPTER 1.

AN ACT to regulate the time of holding the Circuit Courts in Allen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in Allen county shall hereafter be held, commencing on the first Monday in January and July in each year, and shall continue twelve juridical days at each term, if the business requires it.

§ 2. That all process issued returnable to the first day of the ensuing December term of said court be, and the same is hereby, made returnable to the first day of the said term as fixed by this act; and all notices given, or

Allen circuit court.

Process to be returned, and motions, &c., to be heard on the 1st day of the term fixed by this act.

LAWS OF KENTUCKY.

1871. motions pending, or recognizances or bail bonds heretofore taken, requiring the appearance of parties or persons on the first day of the ensuing December term of said court, as now fixed by law, shall be held to apply to, heard, and acted upon on the first day of the term of said court as fixed by this act.

§ 3. This act shall take effect from and after its passage.

J. B. McCREARY,
Speaker of the House of Representatives.

WILLIAM JOHNSON,

Pro tem. Speaker of the Senate.

Approved December 9th, 1871.

P. H. LESLIE.

By the Governor:

A. J. JAMES, *Secretary of State.*

CHAPTER 12.

AN ACT to change the times of holding the Mercer County Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Mercer quarterly court.

§ 1. That after the first day of January, 1871, the time of holding the Mercer county quarterly court shall be on the fourth Mondays in January, April, July, and October of each year.

§ 2. This act to be in force from and after its passage.

Approved December 16, 1871.

CHAPTER 19.

AN ACT to repeal an act, entitled "An act to protect the public highways in Clark and Montgomery Counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Act of adjourned session of 1869-70, page 17.

§ 1. That an act, entitled "An act to protect the public highways in Clark and Montgomery counties," approved February 6, 1871, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved December 20, 1871.

CHAPTER 52.

1872.

AN ACT to change the time for holding the Circuit Courts in the Fifth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in the several counties composing the fifth judicial district shall be commenced and held as follows, to-wit:

In the county of Hardin on the second Mondays in February and August, and continue twenty-four juridical days, if the business of the court require it. Hardin.

In the county of Meade on the second Mondays in March and September, and continue twelve juridical days, if the business of the court require it. Meade.

In the county of Hancock on the fourth Mondays in March and September, and continue twelve juridical days, if the business of the court require it. Hancock.

In the county of Breckinridge on the second Mondays in April and October, and continue twelve juridical days, if the business of the court require it. Breckinridge.

In the county of Grayson on the fourth Mondays in April and October, and continue twelve juridical days, if the business of the court require it. Grayson.

In the county of Ohio on the second Mondays in May and November, and continue twelve juridical days, if the business of the court require it. Ohio.

In the county of Daviess on the fourth Mondays in May and November, and continue forty-two juridical days, if the business of the court require it. Daviess.

§ 2. All processes and precepts issued before this act takes effect, and made returnable to the terms of the several courts, as heretofore fixed, shall be returnable to the first term to be holden under this act, and shall have, in all respects, the same effect as if made returnable to the terms as fixed by this act. Process when returnable.

§ 3. That all laws in conflict with this act are hereby repealed.

§ 4. That this act shall be in force from its passage: *Provided, however,* That no court shall be held in the counties of Hardin and Meade in February and March next.

Approved January 13, 1872.

1872.

CHAPTER 61.

AN ACT to amend an act, entitled "An act for the benefit of Manufacturing, Furnace, and Mining Establishments in the counties of Greenup, Boyd, Carter, and Lawrence, so as to extend the provisions of said act to the counties of Lyon and Trigg."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public
Acts of ad-
joined session
of 1869-70, page
23.

§ 1. That an act, entitled "An act for the benefit of manufacturing, furnace, and mining establishments in the counties of Greenup, Boyd, Carter, and Lawrence," approved March 16th, 1871, be, and is hereby, so amended as to extend the benefits and provisions of said act to all manufacturing, furnace, and mining establishments in the counties of Lyon and Trigg.

§ 2. This act shall be in force from its passage.

Approved January 13, 1872.

CHAPTER 69.

AN ACT to provide for the existing deficit in the Treasury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky

Governor au-
thorized to bor-
row \$300,000 to
supply deficit
in the State
Treasury.

§ 1. That for the purpose of providing the means to supply the existing deficit in the Treasury of the State, it shall and may be lawful for the Governor to borrow, for and on behalf of the Commonwealth, from any bank, banking association, corporation, or private individuals, any sum of money not exceeding in the aggregate five hundred thousand dollars, which shall be appropriated to the object above mentioned, and no other.

Loan to be for
not less than
one nor more
than five years;
right to redeem
the bonds.

§ 2. That the loan authorized by this act shall not be for a longer period than five years, nor less than one year, the State reserving to itself the right, at its option, at any time after one year after the date of said loan, to redeem the bonds which may be issued therefor, at par value.

Governor to
issue bonds,
bearing not ex-
ceeding eight
per cent., pay-
able semi-an-
nually.

§ 3. The Governor, for the money which he may borrow under the provisions of this act, shall issue and deliver to the lender the bond or bonds of the State, payable to him or bearer, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, on the first Mondays in January and July, at the Bank of America, in the city of New York, or other place, as the Governor may contract. For the semi-annual interest, proper coupons shall be attached to the bonds so issued, signed by the Secretary of State; and the principal and interest of said bonds shall be a charge upon the Sinking Fund of the State.

Coupons to
be attached for
interest.

§ 4. An accurate register of the sum or sums of money borrowed under the provisions of this act, the date of the loan, the name of the lender, and the amount loaned by him, together with the date, number, and amount of each bond which may be issued for said loans, and when due, shall be kept in the office of the Secretary of State, duplicates of which shall be filed and faithfully preserved in the office of the Auditor of Public Accounts.

1872.

Register of loan, date, &c., to be kept in the office of the Secretary of the State.

Duplicates to be filed with Auditor.

§ 5. The bonds issued under the authority of this act shall pass by delivery, and without written assignment thereon.

Bonds to pass by delivery.

§ 6. This act shall take effect from and after its passage.

Approved January 18, 1872.

CHAPTER 72.

AN ACT to change the time of holding the Court of Common Pleas in Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of common pleas of Ballard county shall be held on the fourth Mondays in July and January, and continue, each, eighteen juridical days, if the business of the court requires it.

Ballard court common pleas.

§ 2. That all process in said court shall be made returnable at the terms of said court herein specified and directed to be held.

Process.

§ 3. That all acts or parts of acts coming in conflict with this act is hereby repealed.

§ 4. That this shall take effect from and after the passage of this act.

Approved January 18, 1872.

CHAPTER 74.

AN ACT to change the time of holding the Annual Court of Claims of Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the annual court of claims of Bath county be changed to the Tuesday after the second Monday in October in each year.

Bath.

§ 2. This act shall take effect from and after the first of October, 1872.

Approved January 17, 1872.

1872.

CHAPTER 84.

AN ACT to change the time of holding the Quarterly Courts in Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Ballard quarterly court.

§ 1. That the quarterly courts in Ballard county shall be held on the first Mondays in December, March, June, and September, instead of the second Mondays in February, May, August, and November, the times now required by law for holding of said courts.

Process.

§ 2. That all process in said courts shall be made returnable at the terms of said court herein specified and directed to be held.

§ 3. That all acts or parts of acts coming in conflict with this act are hereby repealed.

§ 4. That this act shall take effect from and after the 1st day of March next.

Approved January 19, 1872.

CHAPTER 89.

AN ACT for the security of persons furnishing Labor or Materials, in the construction or repairs of Railroads, Turnpikes, and Gravel Roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Laborers on railroads, turnpikes, &c., can make company responsible by notifying it of the amount due them, &c.

§ 1. That as often as any contractor for the construction or repairs of any part of a railroad, turnpike, or gravel road, in this Commonwealth, shall be indebted to any person for labor performed or materials furnished in the construction or repairs of such railroad, turnpike, or gravel road, such person may give notice of such indebtedness to the company in the manner hereinafter provided, and said company shall thereupon become liable to pay such person the amount due him for such labor or materials, provided it does not exceed the amount owing the contractor at the time the notice is given. The notice shall be given within thirty days after such person shall have ceased to render such labor or furnish such materials, and shall be in writing, signed by the party, his agent or attorney, and set forth the amount due, and for what the same is due, together with the name of the contractor from whom the same is due, which notice may be served on the president, treasurer, or secretary of the company, or on an engineer, or managing agent, or superintendent employed by the company, having charge of the road where the labor was performed or the materials furnished; but no action shall be maintained against any company under the provisions of this act unless the

On whom notice to be served; action to be begun in thirty days after service of notice.

same is commenced within thirty days after such notice is given; and the contractor shall be made defendant to such action.

1872

§ 2. This act shall take effect from its passage.

Approved January 24, 1872.

CHAPTER 90.

AN ACT to amend section 6, article 6, chapter 32, title "Elections," of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when a vacancy shall occur in the office of any presiding judge of a county court within the first three years for which he may have been elected to said office, it shall be the duty of the clerk of the county court to issue a summons, directed to the sheriff or any constable of the county, requiring him to summons the justices of the county to convene at the court-house on a day named in the summons, which shall be not less than ten nor more than twenty days after the issual of said summons, who shall proceed to fill said vacancy temporarily, as prescribed by subsections one, two, and three of section six, article six, chapter thirty-two, of the Revised Statutes, until the ensuing first Monday in August, and until his successor qualifies. The clerk of the county court shall issue a writ of election to permanently fill said vacancy as prescribed by section two, and subsections thereto, of article six, chapter thirty-two, of the Revised Statutes.

How vacancy in office of county judge during the first three years of his term is filled.

Writ of election to be issued by county clerk.

§ 2. Section six of article six, chapter thirty-two, of the Revised Statutes, is hereby repealed, so far as the same is in conflict with this act.

§ 3. This act shall be in force from its passage.

Approved January 24, 1872.

CHAPTER 91.

AN ACT to amend an act approved February 10, 1866, entitled "An act to exempt Homesteads from sale for Debt."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six (6) of an act, entitled "An act to exempt homesteads from sale for debt," approved February 10, 1866, be, and the same is hereby, so amended as hereafter to extend the provisions of said act to every

See Myers' Supplement, p. 714.

LAWS OF KENTUCKY.

1872. *bona fide* housekeeper with a family within this Commonwealth, irrespective of race or color.

§ 2. That this act shall take effect from and after its passage.

Approved January 24, 1872.

CHAPTER 93.

AN ACT to amend chapter 28 of the Revised Statutes, title "Crimes and Punishments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Proclamation
offering reward
for fugitives
from justice to
be published
at discretion of
Governor.

§ 1. That whenever the Governor of this State shall issue his proclamation, offering a reward for a fugitive from justice, or any one charged with crime, he may order the same published in a newspaper or not, as he shall deem proper under the circumstances and the interest of the State; and if he shall order the same so published, he shall designate the paper or papers in which the publication shall be made, and the number of times it shall be published. The account for such publication, with the approval of the Governor indorsed thereon, shall be paid out of the public treasury.

Account to be
approved by the
Governor.

§ 2. All laws in conflict with the provisions of this act are hereby repealed; and this act shall take effect from its passage.

Approved January 24, 1872.

CHAPTER 94.

AN ACT to amend section 4 of article 2 of chapter 83, of the Revised Statutes, regulating tax on Theatrical Performances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's
Revised Stat-
utes, vol. 2, p.
522.

§ 1. That hereafter the proprietors or managers of any itinerant theatrical performance shall only be required to pay a license tax to the State of twenty dollars for each day's exhibition in any county or city in this State; and so much of section 4 of article 2 of chapter 83, of the Revised Statutes, as is in conflict with this act, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1872.

LAWS OF KENTUCKY.

9.

CHAPTER 106.

1872.

AN ACT to amend an act, entitled "An act to provide for the organization and regulation of Incorporated Companies, except Banking, Railroad, and Insurance Companies," approved March 15th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any incorporated company, organized under the provisions of an act, entitled "An act to provide for the organization and regulation of Incorporated companies, except banking, insurance, and railroad companies," approved March 15, 1870, shall be, and is hereby, authorized and empowered to execute and sell or hypothecate its bonds, with coupons or interest warrants attached, secured by mortgage or deed of trust upon its property and franchises, to an amount not exceeding the whole amount of its paid up capital stock, payable at such times and places as such corporation may deem proper, and bearing interest at any rate not exceeding ten per centum per annum, for the purpose of raising money to be used in prosecuting the business of such corporation, or paying off and discharging its general indebtedness; but no such corporation shall have any power or authority to indorse or guarantee the bonds or other obligations of any other corporation or association, or to loan its credit, in any form, to, or in aid of, any other corporation or association, for any purpose whatever.

Certain corporations authorized to hypothecate its bonds.

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1872.

CHAPTER 110.

AN ACT to amend an act, entitled "An act authorizing the sale of real estate and slaves in which there is a future contingent interest," approved August 23, 1862.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of the act approved 23d of August, 1862, entitled "An act authorizing the sale of real estate and slaves in which there is a future contingent interest," be so amended to read as follows: "SEC. 3. The court shall, by its decree, secure the proceeds of sale, and cause the same to be reinvested in the same kind of property, to be conveyed and held in the same manner, and subject to the same limitations, trusts, and conditions, as the property which was sold; or upon a sale of a part of such property, the proceeds may be invested in suitable improvements upon the remaining land, under the direc-

See Myers' Supplement, p. 438.

1872.

tion of the court: *Provided, however,* That the court may cause all lawful encumbrances or assessments upon the property to be paid out of the proceeds of the sale."

§ 2. That this act shall be in force from its passage.

Approved January 24, 1872.

CHAPTER 113.

AN ACT to authorize the Auditor of Public Accounts to audit and settle claims of sheriffs of this Commonwealth for conveying convicts to the Penitentiary of this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Auditor to
pay accounts of
sheriff for con-
veying convicts
to Penitentiary.

§ 1. That hereafter it shall be lawful for the Auditor of Public Accounts, upon the production of the receipt of the Keeper of the Penitentiary for the delivery of prisoners or convicts, to audit and settle the account of the sheriff, guards, or officer for conveying said convict or convicts, and if found to be correct, said Auditor shall draw his warrant upon the Treasurer for the amount of such claim.

§ 2. All acts and parts of acts coming in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved January 25, 1872.

CHAPTER 118.

AN ACT to amend section 2, article 13, chapter 36, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sales of land
on first Monday
of common
pleas court.

§ 1. That section 2, article 3, chapter 36, of the Revised Statutes, be so amended, that, in addition to the times now fixed by law, hereafter sales of land under execution may be made on the first day of a common pleas court, in such counties as such courts are now or may hereafter be established, under the same rules as now provided in the chapter to which this is an amendment.

§ 2. This act shall take effect from its passage.

Approved January 27, 1872.

CHAPTER 121.

1872.

AN ACT to repeal an act, entitled "An act to amend section 1, article 3, chapter 47, Revised Statutes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend section 1, article 3, chapter 47, Revised Statutes," approved December 20, 1865, be, and the same is hereby, repealed. See Myers' Supplement, p. 711.

§ 2. This act shall take effect from its passage.

Approved January 27, 1872.

CHAPTER 128.

AN ACT to amend section 5, article 2, chapter 83, Revised Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That where a stud horse, jack, or bull may be purchased and brought into this State from any other State, or foreign country, by a citizen of this State, between the first day of July and the thirty-first day of December in any year, the tax on a license to stand such stud horse, jack, or bull, until the thirty-first day of December after he is brought into this State, shall bear the same proportion to the annual tax now required by law that the time for which such license has to run bears to a whole year. License for imported stud horses, &c.

§ 2. All persons making application for license under this act shall make and file, with the clerk of the court before whom such application is made, an affidavit, stating when such animal was brought into this State, where brought from, the name of the owner or owners, and that they are citizens of this State. Affidavit of applicant to be filed with the county clerk.

Approved January 30, 1872,

CHAPTER 137.

AN ACT to amend an act, entitled "An act to provide for the payment of the State debt."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to provide for the payment of the State debt," approved March 23d, 1871, as directs the Governor to appoint an agent to negotiate for and purchase, by and with the consent and approval of the Governor, the outstanding bonded indebtedness, be, and the same is hereby, repealed. See Public Acts of adjourned session of 1869-70, p. 94.

1872.

edness of the State, be, and the same is hereby, repealed; and that the power and authority conferred upon such agent by the first and second sections of the above recited act shall cease from and after the passage of this act.

§ 2. That this act shall be in force from its passage.

Approved January 30, 1872.

CHAPTER 138.

AN ACT to declare Hood's Fork of Blain Creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Hood's Fork
declared navigable.

§ 1. That Hood's Fork of Big Blain creek, in Lawrence county, from its mouth to Ramey's mill, be, and the same is hereby declared to be, a navigable stream.

§ 2. This act to be in force from its passage.

Approved January 30, 1872.

CHAPTER 139.

AN ACT to amend the Laws of Evidence in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Interest does
not disqualify
party to testify.

§ 1. No person shall be disqualified as a witness, in any civil action or special proceeding, by reason of his interest in the event of the same as a party or otherwise; but such interest may be shown for the purpose of affecting his credibility.

Not to apply
to settlements
of deceased
persons, &c.

§ 2. Nothing in the preceding section contained shall, in any manner, affect the laws now existing relating to the settlement of estates of deceased persons, infants, idiots, or lunatics, or the attestation of the execution of wills, or of conveyances of real estate, or of any other instrument required by the law to be attested.

Husband and
wife not com-
petent for or
against each
other.

§ 3. Neither husband nor wife shall be competent for or against each other, or concerning any communication made by one to the other, during marriage, whether called while that relation subsisted or afterwards: *Provided, however,* That in actions where the wife, were she a *feme sole*, would be plaintiff or defendant, the wife may testify, or her husband may testify, but both shall not be permitted to testify.

Exceptions.

§ 4. No party shall be allowed to testify, by virtue of section one, in any action or special proceeding where the adverse party is deaf and dumb, or an infant, or is the guardian or trustee of a child or children of a deceased person, or is the committee of an idiot or lunatic,

or is the executor or administrator of a deceased person, or is the party claiming as heir or devisee of a deceased person, except in the following cases, viz :

1872.

1st. In actions or special proceedings with the executor, administrator, guardian, or trustee of infants, heir, or devisee, as above specified, a party may testify to facts which occurred after the death of the decedent or parent.

Party may testify as to facts after death of decedent.

2d. In actions or special proceedings upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contract and the making thereof, and in relation to any conversations or transactions between himself and such agent testified to by the agent.

Opposite party to testify to contracts made by deceased persons with agents, when agent testifies.

3d. In actions or special proceedings of either of the classes above specified, in which any adverse party, or any other person having a direct interest in the matter in controversy, shall be called as a witness, and testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversations.

If one party is sworn, the other can testify as to same matters.

4th. In actions or special proceedings of either of the classes above specified, in which one party calls a witness (other than an agent or person intrusted) to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, but in his absence the opposite party may testify as to the same conversations or admissions.

When opposite party can testify to conversations before death of deceased.

5th. In actions or special proceedings of either of the classes above specified, in which the claim or defense is founded on book account, a party may testify as to the correctness of the original entries, if made by himself, and on such authentication of the account book and entries, said book and entries shall be admissible as evidence in the case.

When claim founded on book account.

6th. If the deposition of a party who has died during the pendency of the suit shall be given in evidence on the trial of such cause, the opposite party may testify as to all matters contained in said deposition, and not excluded by irrelevancy or inadmissibility. In all actions or special proceedings by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions or declarations or admissions made by the deceased in the absence of his surviving partner or joint contractor.

Opposite party can testify to matters contained in deposition of deceased.

§ 5. No person who would, if a party, be incompetent to testify under the provisions of section four of this act, shall become competent by reason of the assignment of his claim.

1872. § 6. No person shall be deemed competent to testify in behalf of his own interest, and against the interest of an adverse party, in any action or special proceeding in which such adverse party is not before the court otherwise than by constructive service.

§ 7. No one shall be incompetent as a witness because of his or her race or color.

§ 8. This act shall be in effect from its passage.

Approved January 30, 1872.

CHAPTER 169.

AN ACT regulating the time of holding the quarterly courts in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Nicholas
quarterly court

§ 1. That the quarterly courts in Nicholas county shall be hereafter held on the fourth Mondays in January, April, July, and October.

§ 2. This act shall be in force from its passage.

Approved February 2, 1872.

CHAPTER 193.

AN ACT to change the boundary line of Carroll and Gallatin counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary
line between
Carroll and
Gallatin
changed.

§ 1. That the boundary line between the counties of Carroll and Gallatin be changed as follows, to-wit: Commencing at a point in the present boundary line at the forks of Lick creek; thence running in a straight line to the head of George W. Sanders' mill-race, on Eagle creek, so that the part of Gallatin county southwest of the proposed line shall be included in the boundary of Carroll county.

Assessment of
territory.

§ 2. That the territory now in Gallatin county annexed by this act to Carroll county shall be assessed for the year 1872 by the assessor of Carroll county; and the estate and county revenue be collected and accounted for the sheriff of Carroll county.

§ 3. That this act shall take effect from its passage.

Approved February 5, 1872.

CHAPTER 195.

1872.

AN ACT to amend an act re-establishing the courts of common pleas in Hickman county, in the 1st judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to repeal an act, entitled 'An act to repeal the court of common pleas in the counties of Hickman, Fulton, Graves, and Marshall, in the 1st judicial district,' " approved February 22, 1871, so far as it applies to Hickman county, and to re-enact an act approved February 6, 1867, creating the court of common pleas in the 1st, 3d, and 14th judicial districts, so far as it relates to Hickman county, in the 1st judicial district, which directs the clerk of the Hickman circuit court to transfer to the docket of the court of common pleas all civil actions pending in said circuit court on the 1st day of February, 1872, be, and the same is hereby, repealed; and the said clerk is directed to make the transfer provided for in said act on the 10th day of May, 1872, unless he shall be instructed, in writing, by the plaintiff or his attorneys, not to do so.

§ 2. This act shall take effect from its passage.

Approved February 6, 1872.

CHAPTER 197.

AN ACT to change the time of holding the county and quarterly courts of Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the county courts of Perry county shall be held on the second Monday of each month, except the months in which the circuit courts are held. Perry county court.

§ 2. That the quarterly courts of Perry county commence on Tuesday after the second Monday in March, June, September, and December, and continue as now provided by law. Perry quarterly court.

§ 3. This act shall take effect from and after its passage.

Approved February 6, 1872.

1872.

CHAPTER 200.

AN ACT to change the time of holding the county and quarterly courts of Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Letcher
county court.

§ 1. That hereafter the county courts of Letcher county shall be held on the first Monday in each month, except the months in which the circuit courts are held.

Letcher quarterly
court.

§ 2. That the quarterly courts of Letcher county [shall] commence on Tuesday after the first Monday in March, June, September, and December, and continue as now provided by law.

§ 3. This act shall take effect from and after its passage.

Approved February 6, 1872.

CHAPTER 214.

AN ACT regulating the time of holding the circuit courts in the counties of Perry, Breathitt, and Clay.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Perry circuit
court.

§ 1. That the Perry circuit court shall hereafter commence on the succeeding Mondays after the Letcher circuit court, and continue six juridical days at the spring term, and twelve juridical days at the fall term.

Breathitt
circuit court.

§ 2. The Breathitt circuit court shall commence on the Mondays succeeding the Perry circuit court, and continue at each term six juridical days.

Clay circuit
court.

§ 3. The Clay circuit court shall commence on the Mondays succeeding the Breathitt circuit court, and continue at each term twelve juridical days.

§ 4. This act to take effect and be in force from and after its passage.

Approved February 8, 1872.

CHAPTER 219.

AN ACT amending section thirteen, chapter thirty, of the Revised Statutes, title "Descent and Distribution."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's
Revised Statutes,
vol. 1, p.
494.

§ 1. That section thirteen, chapter thirty, of the Revised Statutes, title "Descent and Distribution," is hereby so amended, that a widow shall have twelve months, from and after a final judgment shall have been rendered in any controversy in any court touching the valid-

ity of the will or codicil, to relinquish what is given to her by her husband's will or codicil.

1872

§ 2. That this act shall be in force from its passage.

Approved February 8, 1872.

CHAPTER 221.

AN ACT to amend the Criminal Code of Practice in relation to the taking of bail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no officer of this Commonwealth authorized to take bail under the provisions of the Criminal Code of Practice shall take as bail any attorney at law, judge, sheriff, deputy sheriff, clerk of a court, deputy clerk, mayor of a town, jailer, coroner, surveyor, assessor, marshal, constable, justice of the peace, police officer, or master commissioner in chancery.

Certain persons not to be taken on bail bonds.

§ 2. This act shall be in force from and after the first day of May, 1872.

Approved February 8, 1872.

CHAPTER 223.

AN ACT to amend section 8, article 25, chapter 28, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any person shall willfully kill, disfigure, injure, maim, poison, or attempt to administer poison to any horse, cow, mule, jack, jennet, goat, sheep, or hog, not his own, without the consent of the owner, he shall be fined not less than ten nor more than one thousand dollars, or imprisoned not less than one nor more than twelve months, or both so fined and imprisoned, at the discretion of a jury.

Unlawful to kill, disfigure, injure, or poison certain animals.

Penalty.

§ 2. So much of section eight, article twenty-five, chapter twenty-eight, of the Revised Statutes, as is in conflict with this act, be, and the same is hereby, repealed; but all offenses committed under said act shall be punished as if this act had not been enacted.

See Stanton's Revised Statutes, vol. 1, p. 411.

§ 3. This act shall take effect thirty days from and after its passage.

Approved February 8, 1872.

1872.

CHAPTER 224.

AN ACT to provide for defining and marking the line between the counties of Christian and Caldwell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners appointed to run the boundary line between Christian and Caldwell counties, and their duties.

§ 1. That J. M. P. Pool and R. Rogers, of Christian county, and H. H. P. Pool and John D. Irvin, of Caldwell county, be, and they are hereby, appointed commissioners, whose duty it shall be to run, define, and mark the line between the counties of Christian and Caldwell, in this Commonwealth; that they employ a competent surveyor, also chainmen and a marker, if necessary, and proceed to the corner of the counties of Christian and Trigg, in the eastern line of Caldwell county; and that they run, define, and mark the line between said counties of Christian and Caldwell, to the point of Tradewater river where the said counties of Christian and Caldwell corner in the line of Hopkins county; and that in running said line they follow as near as may be the present recognized line between said two counties of Christian and Caldwell; and at the point where the line so run crosses the State road leading from Hopkinsville to Princeton, they will firmly set a stone marked "county line;" and that they make a full and detailed report, in writing, of all their doings under this act to the county courts of Christian and Caldwell counties, and with their report in each of said courts they file a plat of the survey, courses, distances, marks, &c., of said line, which report and plat shall be entered in full on the order-book of each of said courts; said commissioners, surveyor, chainmen, and marksman, shall, before they proceed to act, take an oath before some judicial officer of this Commonwealth that they will faithfully, and to the best of their skill and judgment, discharge their duties under this act.

§ 2. Said commissioners, and chainmen and marksman, if any are employed, shall be allowed three dollars per day, each, and the surveyor four dollars per day, for their services; one half the cost of the survey, &c., made under this act, to be paid by each of said counties of Christian and Caldwell.

§ 3. This act shall take effect from its passage.

Approved February 8, 1872.

CHAPTER 225.

1872.

AN ACT to amend section one, article one, chapter four, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section one, article one, of chapter four, of the Revised Statutes, as requires a person to be twenty-one years old before he shall obtain a license to practice law as an attorney at law, be, and the same is hereby, repealed. See Stanton's Revised Statutes, vol. 1, p. 385.

§ 2. Any person who shall obtain a license to practice law shall be responsible for his acts and contracts as an attorney at law, as if he was of full age.

§ 3. This act shall take effect from its passage.

Approved February 8, 1872.

CHAPTER 233.

AN ACT to change the time of holding the McCracken county court of claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the court of claims in McCracken county shall meet on the second Monday in June, 1872, and on the second Monday in June each year thereafter. McCracken.

§ 2. All laws requiring said court to convene on the second Monday in November are repealed; but nothing herein shall prevent the county court judge from calling a court of justices at any time.

§ 3. It shall be the duty of the sheriff and all collecting officers to return their delinquent lists at the said June court of claims; and no additional list shall be received thereafter.

§ 4. That section six of an act, entitled "An act to create and regulate the office of treasurer of McCracken county," approved March 10, 1871, be, and the same is hereby, so amended as to substitute the month May instead of October.

Approved February 8, 1872.

1872.

CHAPTER 235.

AN ACT to repeal an act, entitled "An act to amend section seven hundred and sixty, Civil Code of Practice," approved March 4, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Myers' Supplement, p. 26.

§ 1. That an act, entitled "An act to amend section seven hundred and sixty, Civil Code of Practice," approved March 4, 1865, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved February 9, 1872.

CHAPTER 238.

AN ACT to rerun and mark the dividing line between the counties of Hancock and Ohio.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners to be appointed to run county line between Hancock and Ohio counties.

§ 1. That the county judges of Hancock and Ohio counties and empowered to employ commissioners to rerun and mark the county line between said counties of Hancock and Ohio.

Duties of commissioners and surveyors.

§ 2. That the county judges of said counties shall, in the month of March, 1872, appoint a commissioner and county surveyor from each of the respective counties; and that said surveyors and commissioners shall, after their appointment, within a reasonable time, proceed to rerun and mark the dividing line aforesaid, and continue said work until completed.

Provision for payment.

§ 3. That the court of claims of said counties shall, at their annual session, make an appropriation for the payment of said respective commissioners and surveyors for their services aforesaid.

§ 4. This act shall take effect from and after its passage.

Approved February 9, 1872.

CHAPTER 244.

AN ACT to amend the act of March 21, 1871, for the benefit of late clerks and other officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public Acts adjourned session of 1869-70, p. 82.

§ 1. That sections one and two of the act approved March 21, 1871, chapter 1812, entitled "An act to amend an act, entitled 'An act for the benefit of late clerks and

sheriffs, &c.,” be, and the same are hereby, re-enacted, to be and remain in force until April 1, 1874, and that section three of said act be, and the same is hereby, repealed.

1872.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1872.

CHAPTER 253.

AN ACT to change the times of holding the Henry county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

That from and after the passage of this bill the quarterly court of Henry county shall be begun and held on the second Mondays of March, June, September, and December in every year, instead of the third Mondays in said months, as now held. The sessions of said court begun on the second Mondays in said months may continue as long as the business requires.

Henry quarterly court.

Approved February 10, 1872.

CHAPTER 258.

AN ACT to mark and define the boundary line between the counties of Muhlenburg and McLean.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. F. Robertson and W. P. Nichols, of the county of Muhlenburg, and Benjamin Plain and Thomas Ferguson, of the county of McLean, be, and they are hereby, appointed commissioners, whose duty it shall be to employ a competent surveyor, two chain-carriers, and a marker, who, after being first duly sworn by a justice of the peace, shall proceed to survey, mark, and define the line dividing the counties of Muhlenburg and McLean, according to the act creating and establishing the county of McLean, approved January 28, 1854, except that the commissioners aforesaid shall run said dividing line from the mouth of the Thoroughfare branch and up said branch so far as the same can be traced; thence up the channel of the Thoroughfare to the mouth of Big creek, instead of up the Thoroughfare branch, as provided in said act establishing said county of McLean.

Commissioners appointed to mark & define the boundary line between the counties of Muhlenburg & McLean, and their duties.

§ 2. The surveyor shall make out two plats of the survey, with courses and distances, and return one to the county court of Muhlenburg county, and one to the county court of McLean county.

Surveyor.

1872.

Report to be
recorded.

§ 3. It shall be the duty of the county court of Muhlenburg county, and also of McLean county, to have said survey and commissioners' report recorded in the county clerk's office of their respective counties, which, when recorded, shall establish the lines between said counties.

Compensation
for making sur-
vey, &c.

§ 4. The parties making the survey shall be allowed a fair compensation for their services during the time they are engaged, one half of which sum, when certified by said commissioners, shall be paid by the county of Muhlenburg, and one half by the county of McLean; and said commissioners shall each be paid a fair compensation for their services to be paid by their respective counties; and said commissioners shall proceed, some time during the months of July or August, 1872, to discharge the duties herein imposed and specified.

§ 5. That so much of the act, entitled "An act to establish the county of McLean," approved January 28, 1854, as conflicts with the provisions of this act, be, and the same is hereby, repealed.

§ 6. This act shall take effect from its passage.

Approved February 10, 1872.

CHAPTER 259.

AN ACT to amend an act, entitled "An act for the benefit of the Eastern and Western Lunatic Asylums," approved February 18, 1864.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Additional
compensation
for conveying
lunatics.

§ 1. That hereafter the same compensation shall be allowed for one person, in addition to the person appointed, to convey a pauper lunatic to said Asylums, as is now allowed the person so appointed: *Provided*, The court having jurisdiction of the case shall deem an additional guard necessary, and shall so order.

§ 2. This act to take effect from its passage.

Approved February 10, 1872.

CHAPTER 260.

AN ACT repealing an act, approved March 7, 1871, entitled "An act authorizing and directing the sale of the interest and stock owned by the State of Kentucky in Turnpike Roads or Turnpike Road Companies."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public
Acts adjourned
session of 1869-
70, p. 41.

§ 1. That an act, entitled "An act authorizing and directing the sale of the interest and stock owned by the State of Kentucky in Turnpike Roads or Turnpike Road Com-

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panies," approved March 7, 1871, be, and the same is hereby, repealed. 1872.

§ 2. This act shall take effect and be in force from its passage.

Approved February 10, 1872.

CHAPTER 262.

AN ACT to amend section 112, chapter 1, title 6, of the Criminal Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one hundred and twelve, chapter first, title six, of the Criminal Code of Practice, is hereby so amended, that hereinafter it shall be the duty of the several circuit court clerks in this Commonwealth, upon the written application of the Commonwealth's Attorney for their district, in vacation, to issue subpoenas for witness to appear before the grand jury of their respective counties at the ensuing term of their court.

See Criminal Code, p. 508.

§ 2. This act to take effect from its passage.

Approved February 10, 1872.

CHAPTER 263.

AN ACT amending article 5, chapter 2, title 9, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That not more than two new trials shall be granted to the same party in the same cause.

See Myers' Civil Code, p. 107.

§ 2. This act shall take effect and be in force from its passage.

Approved February 10, 1872.

CHAPTER 272.

AN ACT to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way, and to extend a line of railway through certain counties in this Commonwealth.

WHEREAS, It is represented to this General Assembly that Miles Greenwood, Richard M. Bishop, William Hooper, Philip Heidelbach, and Edward A. Ferguson, of the city of Cincinnati, in the State of Ohio, were appointed, under and by virtue of an act of the General

1872.

Assembly of the said State of Ohio, passed on the fourth day of May, in the year eighteen hundred and sixty-nine, a board of trustees, with authority to borrow a fund not to exceed ten millions of dollars, and to issue bonds therefor in the name of said city of Cincinnati, under the corporate seal thereof, of which said fund the said Miles Greenwood, Richard M. Bishop, William Hooper, Philip Heidelberg, and Edward A. Ferguson, and their successors, are to be trustees, with power to expend the same in procuring the right to construct, and in constructing, a single or double-track railway, with all the usual appendages, including a line of telegraph, between the said city of Cincinnati and the city of Chattanooga, in the State of Tennessee, to be called and known as the Cincinnati Southern Railway; and with power and capacity for the purposes aforesaid to make contracts, appoint, employ, and pay officers and agents, and to acquire, hold, and possess all the necessary real and personal property and franchises, either in the said State of Ohio or in any other State in which the said line of railway may extend, and with other powers in said act expressed: *Provided*, The trustees of said road shall cause to be surveyed one or more routes for said road by a competent engineer and assistants from the city of Cincinnati, by the way of Nicholasville and Danville, to the State line, in the direction of Sparta, Tennessee; thence on the most direct practicable route to Chattanooga, having due regard to grade and cost of construction. The engineers shall lay before the board of trustees a map of the route, exhibiting the excavation, fills, bridges, grades, tunnels, &c., with approximate estimates of the cost of constructing the road from Cincinnati to the State line, thence to Chattanooga, which estimates shall show separately the cost of constructing this line and others that may be made and reported by engineers. Each line surveyed shall be reported to the citizens of Cincinnati, that they may express their preference for either route by their votes; and that the trustees shall locate the road-bed as indicated by the votes of the citizens and tax-payers of said city; and whereas, the said line of railway cannot be constructed, nor the powers of the said board of trustees be exercised, within the Commonwealth of Kentucky, without the consent of the General Assembly thereof. The General Assembly reserves the right to change, alter, or modify this act, and to regulate, by general laws, the rates of charges for the transportation of freights and passengers on said railway; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said board of trustees, namely: Miles

Greenwood, Richard M. Bishop, William Hooper, Philip Heidelberg, and Edward A. Ferguson, and their successors, by the name of the Trustees of the Cincinnati Southern Railway, be, and they are hereby, authorized to extend, construct, and maintain, within the Commonwealth of Kentucky, the said line of railway, with a single or double-track, with all the usual appendages, including a line of telegraph, and to exercise the powers vested in them under and by virtue of said act of the General Assembly of the State of Ohio, subject to the provisions and restrictions in this act provided.

1872.

§ 2. For the purpose of examining and surveying routes for the said line of railway, the said trustees may, subject to liability for the actual damage done, enter upon any land in the counties of Josh Bell, Knox, Whitley, Laurel, Clay, Owley, Jackson, Estill, Madison, Clark, Bourbon, Harrison, Pendleton, Campbell, Kenton, Boone, Gallatin, Grant, Owen, Scott, Franklin, Anderson, Woodford, Fayette, Jessamine, Mercer, Garrard, Boyle, Lincoln, Rockcastle, Casey, Pulaski, Russell, Wayne, Clinton, Cumberland, Monroe, Metcalfe, and Adair, and select from the routes so examined and surveyed a route for the same, commencing at a point to be selected by the said trustees where the said line of railway will cross the southern boundary of this Commonwealth, and running through either of said counties to the northern boundary line thereof, and across the Ohio river, so as to connect with the same line of railway in the State of Ohio. A copy of the survey and location of such route, and any alteration therein, shall be filed in the county clerk's office of the counties through which the said railway runs, within one year after such location or alteration.

§ 3. For the purpose of constructing and maintaining said line of railway and its appendages, the said trustees may acquire, by purchase or gift, so much land as may be necessary to construct, complete, and operate their railway and its appendages; and it shall be lawful for them to apply to any circuit or county court of any county, through which it may be proposed said railway may pass, and for said court to appoint a competent engineer, and two disinterested commissioners, to examine the proposed route of said railway, and to take from the proprietors of land over which it is to pass a grant of the right of way, of such width as may be desired, provided the same shall not exceed one hundred feet, and which may include the right to take stone, timber, earth, or gravel for the construction of their road; and they, jointly and severally, shall have the power and authority to take and certify, under their hands and seals, the acknowledgment of such grants in fee or right of way,

1872. and the separate acknowledgment of married women, that the clerks of the several county courts have; and on the presentation of the grant and acknowledgment to the clerk of the county court where the land lies, it shall be the duty of the clerk to record the same as other deeds; and they shall be effectual against all persons according to their tenor: *Provided*, That where the parties are infants, or absent, or refuse to make the grant, they shall hear any proof that may be adduced, and upon their own view proceed to value any land required for the right of way, or lands required for turn-outs or depot stations, or other appendages of said road, and also of earth, stone, gravel, or timber for the construction of said road, and report the value they have fixed, together with the evidence adduced, to the court appointing them, with a map or profile of the required ground; and said report shall be filed with the clerk of such court, and a summons issued to the proprietors to show cause against the confirmation of the report; but if the proprietor shall be out of the Commonwealth, the summons may be executed upon a known agent, if there be one in the county; and if there be no known agent in the county, then the court may order the appearance of the party at a named day, and appoint the clerk to give the proprietor notice by letter; and in case of there being infant, idiot, or lunatic proprietors, the court shall appoint *guardians ad litem* for them, and cause the guardian to appear and act for them; and in case an absent defendant does not appear, the court shall appoint an attorney of the court to act for them. It shall be lawful for the trustees or any proprietor, or both, to traverse the report, and for the court to have the traverse tried in open court by a competent jury; on which trial the report and evidence returned as aforesaid shall be heard, together with such proof as either party may produce. A new trial to the finding of the jury may be granted as in other cases. The report shall stand for hearing, as to any proprietor, when the process has been executed ten days, or after appearance of a proprietor on a day fixed for his appearance; and the court shall have jurisdiction to confirm the report if no traverse is filed; and in case a traverse is filed, to have the same tried by a jury, and to give judgment upon the report or finding of the jury, and order the payment of the money, and the execution of the grant in accordance with the report; and to have the grant executed by a commissioner appointed by the court, and to order them to be recorded in the county court clerk's office of the county; and either party may appeal from the judgment of the court.

§ 4. That the commissioners of jury, in estimating the

value of the lands proposed to be taken, shall not be confined to the actual value, but may take into consideration any consequential damage that may result to the adjoining proprietors of the land, and also the advantages and disadvantages the proposed road will be to such lands. 1872.

§ 5. That upon the affidavit of the engineer of said trustees, made and filed before the county judge of any county through which the proposed road may pass, that at any point more than one hundred feet is necessary properly to construct and operate said road, said trustees may acquire the right to so much land as may be necessary for that purpose, and in the manner provided in the preceding section.

§ 6. The said trustees may also, for the purpose of constructing and maintaining said line of railway, occupy or use any turnpike or plank road, street or other public way or ground, or any part thereof, upon such terms and conditions as may be agreed upon between said trustees and the municipal or other corporations, persons, or public authorities owning or having charge thereof; and in case it shall be necessary to provide a new road, street, or other ground, in place of that so used or occupied, they may acquire the necessary land and cause the necessary improvement to be made thereon. If no agreement can be made for the right to use or occupy any road, street, or ground that may be necessary, the said trustees may take and appropriate said rights in the manner provided in the next section: *Provided*, That, before the damages are assessed, the court may fix such terms and conditions as may be deemed best for the public interest.

§ 7. The appropriations authorized in the preceding section shall be made in the manner, and subject to the same right of traverse, writ of error, and appeal, provided by law for taking private property for the use of turnpike and plank road companies, except that the petition shall be filed in the circuit court of the county in which such turnpike, plank roads, streets, or other public ways or grounds, may lie; and if a continuous portion of the same, lying in more than one county, is sought to be used or occupied, the proceedings may be instituted in the circuit court of any county in which any part of such continuous portion may lie; and the damages shall be assessed for the whole of such portion, whether lying in the county wherein the proceedings are instituted or in other counties; the writ shall be directed to the sheriff of the county in which the petition is filed.

§ 8. If, during the construction or after the completion of said line of railway, it shall be found necessary by

1872. said trustees to change the location or grade, or substitute other works or conveniences for those originally designed or constructed, or to provide additional sidetracks or other appendages for the proper management and operation of said railway, the said trustees may make such changes and provide such additional appendages, not departing from the general route originally selected by them; and, for the purpose aforesaid, may acquire or enter upon, take and appropriate, such lands or rights, as may be necessary, in the mode hereinbefore prescribed.

§ 9. Wherever, along the route selected by said trustees, there shall be a railroad already constructed, or rights of way or depot or other grounds acquired therefor, which railroad, rights of way or grounds, can be adopted as part of the said line, it shall be lawful for persons, company, or corporations owning the same, to sell to the said trustees the said railroad, rights of way or grounds, or any part thereof, upon such terms and conditions as may be agreed upon between the said trustees and such persons, or the president and directors of such company or corporation: *Provided*, That no such agreement shall be binding upon the stockholders of any such company or corporation unless a majority in interest of said stockholders, as shown by the books of such company or corporation, shall ratify the same in person or by proxy, at a meeting to be held at the place of holding the election of directors, to be called after notice given of the object of the meeting, in the manner provided for notice of such elections.

§ 10. No permanent bridge or other work shall be so constructed as to materially interrupt or impair the navigation of such streams as are naturally navigable, or as have been declared to be so by law.

§ 11. And whereas, under and by virtue of the above mentioned act of the General Assembly of Ohio, the said board of trustees have power to borrow a fund for the construction of the said line of railway, not to exceed ten millions of dollars, and to issue bonds therefor in the name of the city of Cincinnati, under the corporate seal thereof, bearing interest at a rate not to exceed seven and three tenths per centum per annum, payable at such times and places and in such sums as shall be deemed best by said board; which bonds are to be signed by the president of said board, and attested by the city auditor of said city, who is to keep a register of the same, and are to be secured by a mortgage on the said line of railway and its net income, and by pledge of the faith of said city and a tax, which it is made the duty by said act of the council of said city annually to levy, sufficient,

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with said net income, to pay the interest, and provide a sinking fund for the final redemption of said bonds: *Be it further enacted*, That the respective holders of all such bonds are hereby declared to be entitled to hold, by way of mortgage, without any conveyance, the said line of railway and its appendages, and the net income thereof, and all the estate, right, and title, and interest of the said city of Cincinnati, and of the said board of trustees therein, until the respective sums mentioned in said bonds, and the interest thereon, shall be fully paid, without any preference one above another, by reason of priority or date of any such bonds, or of the time when such holder became the owner of the same, or otherwise howsoever. The mortgage lien hereby given is to vest, as soon as rights of way of lands, whereon are to be placed the works and conveniences used in constructing, maintaining, or operating said railway, are acquired or taken, by virtue of the powers of the said trustees: *Provided*, That nothing herein contained shall affect the lien of any vendor upon lands sold to said trustees, nor to be held to include the rolling stock used in operating said road: *And provided further*, That any mortgage that may be made by any lessee or lessees of said line of railway, or persons or company operating it, on the rolling stock used in operating said road, shall not have precedence over, but shall be at all times inferior in priority to, judgments that may be obtained against them, in any county through which said road may run, for wages, materials, and supplies in running said road; for damages for breaches of contracts of affreightment, for injury, loss, or destruction of any property put on the cars on said road for transportation, or for any injury to persons or property occasioned in the running of said road.

§ 12. Said trustees shall survey and locate the route of said line of railway, and actually commence the construction thereof, within two years from the passage of this act; and shall continue such construction and complete the work within five years from its commencement, or within such further reasonable period, not exceeding ten years in all, as the Governor may grant upon satisfactory evidence that they are progressing with due diligence and in good faith. The gauge of said railway shall be five feet.

§ 13. The charge for transportation on said railway shall not exceed thirty-five cents per hundred pounds on heavy articles, and — cents per cubic foot on articles of measurement for every hundred miles, and four cents a mile for every passenger.

§ 14. The taxes imposed on said line of railway and its appendages shall not exceed the rate imposed on other

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railroads within this State: *Provided, however,* That the trustees of the Cincinnati Southern Railway Company shall pay into the Treasury of this Commonwealth, an amount equal to fifty cents per capita for each through passenger across the Commonwealth of Kentucky, and twenty-five cents for each passenger for one hundred miles of travel on said road within the limits of the State of Kentucky; and the said trustees shall also pay, semi-annually, into the Treasury of this Commonwealth, an amount equal to one cent on each one hundred pounds of through freight shipped over said road; and all payments due to the Treasury under this act shall be made in the manner, and at such times, as may be established by the Auditor of Public Accounts of this State, except the payments required by this act.

§ 15. The said trustees may sue and be sued, contract and take and hold property, and convey and transfer the same, by the name of the "Trustees of the Cincinnati Southern Railway." Conveyances by said trustees shall be signed by not less than three of them. They shall keep an office and an agent in the city of Covington, and an agent in every county through which said railway runs, upon whom service of process may be made. Actions against them or against the lessee or lessees of said line of railway, or persons or company operating it, other than those mentioned in sections ninety-three and ninety-four of the Code of Practice in Civil Cases, may be brought in any county in which any part of said railway lies. When an action is rightly brought in any county, process may be issued to the county in which the office of the trustees is situate, and may be sent and returned by mail. And it is hereby made a condition upon which said trustees construct and maintain said railway within this Commonwealth, that they thereby waive the right to remove any case from any of the courts of this State to any of the courts of the United States, or to bring a suit in any of the courts of the United States against any citizen of this State; and a violation of this condition shall operate as a forfeiture of the rights, privileges, and immunities granted in this act.

§ 16. The persons or company operating said railway, or any part thereof, as lessee or otherwise, shall receive and carry all passengers and freight coming or brought to it or them to be carried, and they shall make no discrimination against citizens of Kentucky in carrying freight or passengers on said line of railway, or any part thereof; nor shall they make any unjust discrimination in favor of through freights or passengers against any way freights or passengers, or against freights or passengers from other railroads connecting with said railway in this

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State; but they shall charge and receive only the same, and no more, for the same services in transporting freight or passengers going to or coming from one connecting road, that they charge or receive upon those going to or coming from any other. They shall keep an office and agent at some point along the line within this Commonwealth, and an agent in every county therein through which said railway runs, upon whom service of process may be made; and it is hereby made a condition upon which such persons or company may lease said railway, or any part thereof, or make any arrangement for operating the same, that such persons or company thereby waive the right to remove any case from any of the courts of this State to any of the courts of the United States, or to bring a suit in any of the courts of the United States against any citizen of this State; and a violation of such condition shall operate as a forfeiture of all the rights acquired under such lease or arrangement; which forfeiture, and the other provisions of this section, this Commonwealth reserves the right to enforce by all necessary remedies and additional legislation.

§ 17. That the rights, privileges, and immunities granted by this act, shall continue for and during the period of ninety-nine years, and not longer, and shall, during that time, be subject to be declared forfeited by any court of competent jurisdiction, by an action instituted by the direction of the General Assembly in the name of the Commonwealth, for any failure on the part of said trustees, their successors or assigns, to comply with the terms, stipulations, and obligations imposed herein for the benefit and security of this Commonwealth or the people thereof; and before entering on any lands in this State, said trustees shall accept the provisions of this act.

§ 18. The following words and expressions in this act shall have the several meanings hereby assigned to them, unless there be something in the context repugnant to such construction: that is to say, the word "lands" shall include not only lands and every estate therein, but also easements and franchises connected therewith. The word "trustees" shall mean the trustees for the time being appointed under the said act of the General Assembly of the State of Ohio, and shall include the said board of trustees and their successors. The expression "line of railway and its appendages" shall extend to and include the works and conveniences of the said railway, such as offices, stations, shops, sheds, depots, car-houses, and other buildings, bridges, viaducts, tunnels, arches, piers, abutments, embankments, approaches, ways, aqueducts, culverts, sewers, drains, wharves, yards, fences, telegraph posts and wires, tracks, turn-outs, and turn-tables,

1872. and the rights of way and lands belonging to said trustees, whereon the said and other like works and conveniences used in constructing, maintaining, or operating said railway are placed. The expression "act of the General Assembly of the State of Ohio," shall mean the act of the General Assembly of the State of Ohio, entitled "An act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants," passed on the 4th day of May, in the year 1869. The expression "line of railway," shall mean the line of railway between the city of Cincinnati, in the State of Ohio, and the city of Chattanooga, in the State of Tennessee.

§ 19. The General Assembly reserves the right to alter, amend, or repeal this act, as provided in an act, entitled "An act reserving power to amend or repeal charters and other laws," approved February 14, 1856.

§ 20. That this act shall take effect from and after its passage.

Approved February 13, 1872.

CHAPTER 275.

AN ACT to amend section 17, chapter 24, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's
Revised Stat-
utes, vol. 1, p.
259.

§ 1. That section seventeen, chapter twenty-four, of the Revised Statutes, be amended by inserting the words "or his deputy or a notary public," after the words "clerk of a court," in said section.

§ 2. This act to take effect from its passage

Approved February 14, 1872.

CHAPTER 278.

AN ACT to extend the terms of the Wayne circuit court, and to change the time of holding the Russell and Casey circuit courts, in the eighth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to regulate the holding of the courts of the eighth judicial district of this Commonwealth be so amended as to extend the term of the Wayne circuit court to twelve juridical days.

§ 2. That the circuit court for the county of Russell shall hereafter commence on the third Mondays in May

Russell.)

and November, and continue twelve juridical days, if the business of the court should require it. 1872.

§ 3. That the circuit court for the county of Casey shall hereafter commence on the first Mondays in June and December, and continue twelve juridical days, if the business of the court should require it. Casey.

§ 4. All summonses, bench warrants, subpoenas, rules, and other mesne processes of said court, now issued, or that may be issued, shall be returned to the terms of the Russell and Casey circuit courts, as provided in this act; and it shall be no objection to the validity of the same that they are issued and returnable to the terms of said court as now fixed by law; and all persons held to bail, or who are under other compulsory process to appear in any of said courts, at the time now fixed by law, shall be held to appear in the courts to which said process may be returnable at the terms of the same, as provided in this act. When a where summons, &c., returnable.

§ 5. All acts in conflict with this act be, and the same is hereby, repealed.

§ 6. This act shall be in force from and after its passage.

Approved February 14, 1872.

CHAPTER 201.

AN ACT to amend section thirty-seven, chapter one, title three, Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirty-seven, chapter one, Civil Code of Practice, be, and the same is, so amended as to apply to all civil actions which may hereafter be pending before the Court of Appeals. See Myers' Code, page 14, sec. 37.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1872.

CHAPTER 306.

AN ACT authorizing incorporated towns to establish work-houses and station-houses, and authorizing the confinement of persons guilty of violating town ordinances and be confined in the work-house or put to work on the streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for all incorporated towns in this Commonwealth to establish work-houses and sta- Corporate towns authorized to establish work-houses &c.

1872. tion-houses, where persons charged with a violation of town ordinances, in default of bail, may be confined until a trial can be had. The trustees of said towns shall provide wholesome diet and comfortable lodgings for persons so confined.

Fine to be
worked out.

§ 2. If the punishment for a violation of any town ordinance be a fine, the judgment may direct that the defendant be put to work on the streets of said town, or in said work-house, until the fine is paid, specifying, however, the length of time said defendant is to be kept at work, which shall not exceed one day for each two dollars of the fine.

§ 3. This act shall be in force from its passage.

Approved February 21, 1872.

CHAPTER 316.

AN ACT to amend an act further to define the duties of clerks of circuit, chancery, and county courts of this Commonwealth, approved March 23, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public Act
of 1871, p. 93.

§ 1. That the third line of section two of an act to further define the duties of clerks of circuit, chancery, and county courts of this Commonwealth, approved March 23, 1871, after the word "receive," be amended by inserting the words "file and record."

§ 2. This act to be in force from its passage.

Approved February 21, 1872.

CHAPTER 320.

AN ACT to appropriate money for the benefit of the Commissioners of the Kentucky Institution for the Education and Training of Feeble-minded Children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

\$4,850 appro-
priated for the
benefit of the
Institution for
the Education
of Feeble-
minded Chil-
dren.

§ 1. That the sum of four thousand eight hundred and fifty dollars (\$4,850) be, and the same is hereby, appropriated, payable out of any money in the Treasury not otherwise appropriated, for the purpose of enabling the Commissioners of the Kentucky Institution for the Education and Training of Feeble-minded Children to pay for heating apparatus lately bought for said Institution, to purchase necessary furniture therefor, for a new boiler, for reconstructing the engine-house, for a cooking-range for the Institution, and for the erection of a house for the engineer; said sums, or such parts thereof as may be

necessary for the purposes named, to be expended under the superintendence and directions of said Commissioners, and to be paid out on their orders, by the Auditor of Public Accounts, in such sums as such Commissioners may from time to time direct.

1872.

§ 2. This act to take effect from its passage.

Approved February 24, 1872.

CHAPTER 322.

AN ACT to amend an act, entitled "An act to establish a criminal court in the ninth judicial district," approved February 5th, 1866, and the several acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That an act, entitled "An act to establish a criminal court in the ninth judicial district," approved February 5th, 1866, and the several acts amendatory thereof, be, and the same are hereby, continued in force until repealed by the General Assembly; and that on the first Monday in August next, and on the first Monday in August every six years thereafter, an election shall be held, in the counties where the said criminal court may be held, for the election of a judge, for said court, to be in all respects governed by the laws in force regulating the election of circuit judges; and the judge of the circuit or chancery court in said counties may hold the said criminal court in the absence of the judge of the criminal court, or preside in any cause therein where the judge of the criminal court cannot properly preside; and all laws providing for the election of special judges in said criminal court are repealed: *Provided*, That it shall be lawful to elect a special judge to try any case where necessity may require, and it shall appear that the presence of neither the circuit judge nor the chancellor can be obtained, or that neither can properly preside therein.

See Myers' Supplement, p. 602.

Criminal court in the 9th judicial district continued: manner of electing judge, &c.

§ 2. This act shall take effect from its passage.

Approved February 24, 1872.

CHAPTER 323.

AN ACT authorizing the judges of the several courts of this Commonwealth to sign unsigned orders and judgments in said courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That where it appears to the satisfaction of a judge of a circuit court, court of common pleas, crimi-

Orders not signed by judge making them to be signed by the succeeding judge of the court upon notice to the parties.

1872.

Party interested has the right to contest validity of order.

nal court, chancery court, equity court, county court, or quarterly court, that orders and judgments have been regularly made and entered in any of said courts, and defective only in not having been signed by the judge making such order or judgment, it shall be lawful for the judge of said court to sign said orders and judgments, and when so signed, said orders and judgments shall be as valid and binding as if said orders and judgments had been signed by the judge making them. The court may require notice to be given to any of the parties concerned: *Provided*, That any party interested shall have the right, at the term at which such order or orders are signed, as herein provided, or at the next succeeding term, by motion and notice, call in question the correctness of any such orders and judgments, and have the same corrected by order of the court, as shall be made to appear right and proper by the proceedings and evidence; and either party may file a bill of exceptions and appeal as in other cases.

§ 2. This act shall be in force from its passage.

Approved February 24, 1872.

CHAPTER 325.

AN ACT to change and regulate the time of holding the circuit courts in the 1st judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in the 1st judicial district shall hereafter be held and continued, if the business of the court requires it, as follows, to-wit:

McCracken.

1. In McCracken county on the second Mondays in January and July, and continue twenty-four juridical days.

Fulton.

2. In Fulton county on the second Mondays in February and August, and continue eighteen juridical days.

Hickman.

3. In Hickman county on the first Mondays in March and September, and continue eighteen juridical days.

Ballard.

4. In Ballard county on the fourth Mondays in March and September, and continue twelve juridical days.

Graves.

5. In Graves county on the second Mondays in April and October, and continue thirty-six juridical days.

Calloway.

6. In Calloway county on the fourth Mondays in May and November, and continue twelve juridical days.

7. In Marshall county on the second Monday in June and December, and continue twelve juridical days.

§ 2. This act shall take effect and be in force from and after the first day of July, 1872.

Approved February 23, 1872.

CHAPTER 332.

1872.

AN ACT to amend section twenty of article one of chapter ninety-one, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty (20) of article one (1) of chapter ninety-one, of the Revised Statutes, entitled "Sheriffs, Jailers, and Coroners," be, and the same is, so amended as to read as follows: Any sheriff who shall knowingly make a false or illegal return on any process, execution of *fieri facias*, or fee bill, or who shall, by color of his office, knowingly collect of any person more than is justly due on any such process or writ or fee bill, shall be liable to the person injured thereby for triple the damages that the jury shall assess therefor.

See Stanton's Revised Statutes, p. 343.

Sheriff, &c., liable in damages for false return of process, &c.

§ 2. This act to take effect from and after its passage.

Approved February 28, 1872.

CHAPTER 336.

AN ACT to regulate sales made under decrees of the Metcalfe circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter all sales made under decrees of the Metcalfe circuit court, hereafter rendered by said court, shall be made by the sheriff of Metcalfe county, except where he may be a party to the suit in which the decrees are rendered, or has some interest therein, then the sale shall, under such decree, be made by a special commissioner, appointed by the court; said sheriff and commissioner shall be allowed for their services a reasonable compensation; but when the sale is made in Metcalfe county, the allowance shall not exceed twenty-five dollars.

Sheriff to sell land under decree of the Metcalfe circuit court.

Compensation.

§ 2. This act shall be in force from the time of its passage.

Approved February 28, 1872.

CHAPTER 337.

AN ACT to change the time of holding court of claims in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the court of claims in Graves county shall commence on the first Monday in October in each year, and continue as long as the business may require, or adjourn to meet again at an adjourned session by a majority of a quorum of the magistrates elected concurring therein.

Graves county court of claims.

§ 2. This act shall take effect from its passage.

Approved February 28, 1872.

1872.

CHAPTER 360.

AN ACT to provide for the erection of a prison house for females, and a spinning-walk, to extend the walls of the penitentiary, and to repair the walls and penitentiary buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

\$4,500 appropriated for building a prison and spinning-walk for female convicts, &c.

§ 1. That the sum of forty-five thousand dollars be, and the same is hereby, appropriated, for the purpose of building a prison and spinning-walk in the penitentiary for female convicts, and to extend the walls of said penitentiary, and to repair the buildings now used as penitentiary buildings.

Commissioners to employ architect and let out contract to highest & best bidder.

§ 2. That the Governor, the Auditor of Public Accounts, and the Treasurer, be, and they are hereby, appointed a commission to employ an architect to furnish suitable plans and specifications to be adopted by them, and to employ and make a contract with some suitable builder or builders to erect said buildings and extend said walls; but said commissioners shall in no case exceed the amount appropriated in the first section of this bill: *Provided*, That said commissioners shall be required to advertise, in two newspapers published in Frankfort, and two or more newspapers published in the city of Louisville, in one or more newspapers published in the city of Lexington, and in one or more newspapers published in the city of Covington, and in two or more newspapers published in the city of Cincinnati, Ohio, for thirty days before letting, for proposals for contracts for said work, and shall let the same to the lowest and best bidder or bidders, who shall execute bond to the State, with approved security, for the faithful performance of his or their contract: *And provided further*, That neither of said commissioners shall, directly or indirectly, be interested in the work to be done or materials furnished.

Manner of advertising.

Commissioners not to be interested in contract.

Commissioners to pay 70 per cent. as work progresses.

§ 3. The said commissioners are hereby authorized to issue certificates to the Auditor in favor of the contractor or contractors, for such sum as will pay not more than seventy (70) per cent. for work done as it progresses, at such time as they may deem proper; but at no time shall they issue any such certificates for work which has not been done.

Auditor to draw warrant on commissioners for certificates.

§ 4. Upon the receipt of any of the certificates provided for in the third section of this act, it shall be the duty of the Auditor to draw his warrant upon the Treasury for said sum corresponding with such certificate, to be paid out of any money in the Treasury not otherwise appropriated.

§ 5. The commissioners, before acting, shall take an oath for the faithful performance of their duties under this act.

§ 6. The character of buildings and improvements contemplated under the provisions of this act are—first, the extension of the walls of the penitentiary, beginning at the northeast corner of the present wall, and extending it a straight line with the old wall to the Owenton pike; thence with or near said pike until it intersects with the prison wall now built. In the construction of said wall the north wall of said inclosure, now standing, is to be torn down, and the materials therein are to be used in constructing the new wall, which wall is to be similar, in all respects, to the old wall, and is to be twenty-two feet in height; second, the erection of a substantial brick house, with the needed iron, stone, &c., for the use of female convicts, to be used as a hospital, cell-house, dining-room, kitchen, hall, and washroom; the building to be at least thirty feet by one hundred and thirty feet in the clear, and two stories high, and constructed in an appropriate and workmanlike manner; third, the erection of a brick building, to be used as a spinning-walk, two stories high. All of which buildings are to be erected upon the additional ground included by the extension of the new wall.

1872;

Description and character of the improvements to be made.

§ 7. The said commissioners shall not expend, in the erection of the improvements hereby contemplated, a greater sum than thirty-five thousand dollars; and the excess of this appropriation remaining unexpended shall be expended by them, or such part as they may deem proper, in making needed repairs to the walls and public buildings now built and owned by the State as a penitentiary.

Only \$35,000 to be expended in the erection of the improvements.
Disposition of balance.

§ 8. This act to take effect from its passage.

Approved March 2, 1872.

CHAPTER 362.

AN ACT to regulate foreign corporations engaged in operating railroads in the State of Kentucky.

WHEREAS, Some of the railroads constructed in this State, under charters granted by the Commonwealth, are being controlled and operated by foreign corporations or companies, through their agents, under a claim of lease or purchase, and have also claimed and exercised the right and privilege, as citizens or corporations of other States, to cause the removal of actions instituted in the State courts to the Federal courts, to the great inconvenience and detriment of the citizens of this Commonwealth; and whereas, it is contrary to the policy of this Commonwealth, and against the interest of its citizens, to permit such corporations and companies, through their agents, to prosecute and conduct such business, and exercise such rights and privileges, as are not by law con-

1872.

ferred upon the citizens of this State, except upon such terms and conditions as may be prescribed by the laws of this State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Certain corporations required to file in county court of county through which road runs an agreement that persons having claims against them may sue & prosecute the claim to final judgment before they can transact business in this State.

§ 1. That all such foreign corporations or persons, organized under charters granted by other States, now engaged, or that may hereafter be engaged, in running and operating any of the railroads of this State, either in their own name or that of others, are permitted to do so upon the following conditions, viz: That such foreign corporations, within sixty days from the passage of this act, or within sixty days from the time of commencing business in this State, shall procure from the board of directors or managers of such corporation a duly authenticated order or resolution authorizing its agents to contract and be contracted with in the name of such corporation, and further agreeing that all citizens resident, and bodies corporate of this State, having claims or demands against said corporation, may sue for, and prosecute to final judgment, all such matters in any of the courts of competent jurisdiction in any of the counties through which said road may be constructed, subject, however, to the same right of removal, by change of venue, as is or may be given to citizens of this State, which authority shall be put to record in the county court clerk's office of some one of the counties through which said road runs, a certified copy of which shall be competent evidence in any of the courts of this Commonwealth.

Certified copy of agreement evidence.

§ 2. That service of process upon such agent or agents shall be deemed a valid service upon such company.

Such corporation or company failing to comply with the above provision, or causing suit to be transferred to Federal Court, shall be prohibited from transacting business in this State, and fined not less than \$50 or imprisoned.

§ 3. That any such corporation or company failing or refusing to comply with the foregoing provisions, or that shall, after the passage of this act, cause to be removed any suit or matter of litigation with a citizen resident or corporation of this State, from the State court to the United States district or circuit court, shall thereafter be prohibited from doing business in this State; and all contracts thereafter made by such corporation, through its agents, shall be null and void as to such parties; and all parties and persons continuing to contract and do business in this State, either in their own name or that of others, in violation of this act, shall be deemed guilty of a misdemeanor, and for each day he or they shall so offend may, upon indictment, be fined not less than fifty dollars, and imprisoned not less than one week for each day they so offend, either or both, in the discretion of a petit jury.

§ 4. That such corporation or companies engaged in

the business aforesaid in this State shall be deemed common carriers, and shall not discriminate in carrying freight for or against any individual or company, but shall, so far as its rolling stock and equipments will permit, transport all freight over said road that may be offered upon payment, if required or tendered, of the rates of tariff allowed by law or the charter of such road; and if such road is not supplied with the necessary cars to do the business required, it shall be lawful for any individual or company to furnish such necessary cars for their own use; and it shall be the duty of the company or persons controlling and operating such road to carry freight in such cars to any point on the line of said road that may be required, and return the cars to the parties furnishing them as speedily as can conveniently or reasonably be done. That any person or company being damaged by the failure or refusal of the company controlling said road to discharge the duties enjoined in this section, may, by action, recover the actual damage sustained, and fifty per cent. in addition.

§ 5. That any persons desiring to engage in the business of mining stone-coal, milling, or the manufacture of iron, adjacent to the line of such railroad, may, under the direction of a competent engineer, construct a switch, to be connected with said road, for the convenience of their said business, upon condition, however, that said parties shall execute a covenant to the Commonwealth of Kentucky, in the county court of said county, with good surety, to be approved by the court, to the effect that he or they will keep a constant attendant upon such switch, and will pay all damages to the parties entitled by reason of the improper construction of same, or negligence in keeping it properly adjusted, so as not to obstruct passing trains; and all parties injured may recover reasonable and adequate damages.

§ 6. This act shall take effect from its passage.

[This act became a law by reason of the failure of the Governor to return it within the constitutional period.]

1872.

Such corporation or company shall be deemed common carriers, and shall not discriminate in carrying freights for any person.

Remedy against company for failing to comply with above.

Persons desiring to mine coal adjacent to the line of such railroad, permitted to construct a switch, &c.

Duty to keep guard at switch

CHAPTER 388.

AN ACT to authorize the county courts of Nicholas and Bourbon counties to compel persons to keep stock off of public roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court shall have power, upon the application of any five bona fide housekeepers by petition, setting forth the name and situation of any turnpike road, and the names of all persons who live along the line of the same, and upon notice of such application

County courts of Nicholas and Bourbon authorized upon application of five bona fide housekeepers by petition, and upon notice, to order stock to be kept off of public roads.

provisions of this act, and, in his judgment, entitled to its benefits: 1872.

COUNTIES.	No. of dist.	Year.	Time taught.
Breckinridge.....	80	1871	5 months.
Pulaski.....	68	1872	5 months.
Pulaski.....	101	1872	5 months.
Pulaski.....	66	1872	5 months.
Pulaski.....	28	1872	5 months.
Pulaski.....	51	1868	3 months.
Owsley.....	30	1871	5 months.
Mason.....	6	1871	5 months.
Mason.....	7	1871	5 months.
Mason.....	9	1871	5 months.
Mason.....	31	1871	5 months.
Mason.....	32	1871	5 months.
Mason.....	33	1871	5 months.
Mason.....	36	1871	5 months.
Mason.....	38	1871	5 months.
Henderson.....	43	1872	5 months.
Grant.....	41	1872	5 months.
Grant.....	50	1872	5 months.
Grant.....	31	1872	5 months.
Grant.....	12	1872	5 months.
Grant.....	30	1872	5 months.
Grant.....	46	1872	5 months.
Nelson.....	7	1872	5 months.
Nelson.....	47	1872	5 months.
Washington.....	44	1872	5 months.
Marion.....	4	1872	5 months.
Estill.....	19	1872	5 months.
Union.....	19	1869	3 months.
Carr's.....	31	1869	5 months.
Bracken.....	2	1872	5 months.
Bracken.....	7	1872	5 months.
Bracken.....	26	1872	5 months.
Bracken.....	28	1872	5 months.
Hart.....	23	1872	5 months.
Hart.....	24	1872	5 months.
Hart.....	35	1872	5 months.
Hart.....	42	1872	5 months.
Clinton.....	22	1872	5 months.
Christian.....	29	1872	5 months.
Bath.....	37	1872	5 months.
Bath.....	38	1872	5 months.
Madison.....	72	1872	5 months.
Madison.....	19	1872	5 months.
Grayson.....	51	1872	5 months.
Morgan.....	23	1872	5 months.
Ohio.....	44	1872	5 months.
Ohio.....	91	1872	5 months.
Ohio.....	104	1872	5 months.
Bourbon.....	13	1865	3 months.
Bourbon.....	2	1871	5 months.
Bourbon.....	14	1871	5 months.
Bourbon.....	20	1871	5 months.
Bourbon.....	17	1872	5 months.
Shelby.....	26	1872	5 months.
Shelby.....	28	1872	5 months.
Lewis.....	58	1872	5 months.
Muhlenburg.....	41	1872	5 months.

1872. § 2. This act shall take effect from and after its passage.

Approved March 5, 1872.

CHAPTER 431.

AN ACT to define the meaning of the word creditor, as used in the Revised Statutes and Civil Code of Practice, and in acts amendatory thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Definition of
the word credi-
tor.

§ 1. That the word creditor, as used in the Revised Statutes and Civil Code of Practice, and in acts amendatory thereof, shall be construed to mean and include all persons having a bona fide debt or claim against another, whether judgment has been rendered on the same or not.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 435.

AN ACT to prohibit the drawing of seines or fish-nets from the mouth of Paint Lick creek to the mouth of Back creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to
seine, &c., in
Paint Lick.

§ 1. That it shall hereafter be unlawful to draw a seine or fish-net anywhere in Paint Lick creek, from its mouth to the mouth of Back creek, except by the permission of the owner or owners of land on each side of the creek where the said seine or net is drawn.

Penalty.

§ 2. That any person who shall, without the permission above set forth, draw a seine or net at any point in Paint Lick creek, from its mouth to the mouth of Back creek, shall be deemed guilty of misdemeanor, and shall be fined, upon conviction, not more than thirty nor less than ten dollars for each offense.

§ 3. The proceedings for the recovery of the fine shall be by indictment in the name of the Commonwealth, in the circuit court of the county where the offense occurs.

§ 4. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 465.

1872.

AN ACT for the protection of sheep in the counties of Nicholas, Gallatin, and Fleming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person owning a dog, or keeping a dog on or at his or her place of residence, or permitting the same to be so kept, by any member of his or her family, or tenant, shall pay a tax of one dollar for each dog so owned or kept; and for all dogs over one shall pay a tax of five dollars for each additional dog.

Tax of \$1 on 1 dog, and \$5 for each additional dog in certain counties.

§ 2. It shall be the duty of the several assessors in each of the counties above named, at the time they assess other property, to take a list of the number of dogs in said counties, and by whom owned or kept, as above set forth; and each person assessed shall make a statement on oath of the number of dogs owned or kept, as in the first section of this act mentioned.

Assessor to take statement on oath of owner of dogs.

§ 3. The sheriffs of said counties shall collect the tax on all persons assessed, as herein required, and shall pay over the same each year to the common school commissioner of his county, who shall distribute the same equally to the several school districts in his county; and the same may be applied to the erection of school-houses or the payment of teachers, as may seem proper to the trustees of each district.

Sheriff to collect tax, and same to be applied to school purposes.

§ 4. This act shall only apply to the counties of Nicholas, Gallatin, and Fleming.

§ 5. This act shall take effect from the 1st day of January, 1873.

Approved March 9, 1872.

CHAPTER 471.

AN ACT to exempt footmen from bridge toll.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That persons traveling or passing on foot on any bridge in which the State has an interest, shall be exempt from toll at such bridge.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1872.

1872.

CHAPTER 483.

AN ACT to amend an act, entitled "An act to revise, digest, and compile the Statute Laws and Codes of Practice of Kentucky," approved March 10th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public
Acts of ad-
journal session
of 1869-70, p. 50.

§ 1. That section one of an act, entitled "An act to revise, digest, and compile the Statute Laws and Codes of Practice of Kentucky," approved March 10th, 1871, be, and the same is hereby, amended as follows, to-wit: The Governor and Judges of the Court of Appeals shall nominate, and by and with the advice and consent of the Senate appoint, five commissioners to revise the Statute Laws and Codes of Practice of Kentucky, who shall meet, commence, and conclude their labors, as therein provided. Two of said commissioners shall be appointed to revise the Statute Laws, and two to revise the Codes of Practice, and the other commissioner shall assist in the labors of each revision, and act as umpire at the joint meetings of all the commissioners, which shall be called at any time by the umpire or a majority of the commissioners.

§ 2. The amount for which the Auditor shall draw his warrant shall not exceed ten dollars per day to each commissioner, and neither of said commissioners shall receive more than eighteen hundred dollars for his services, and mileage for one trip only, going and returning.

§ 3. This act shall take effect from its passage.

Approved March 8, 1872.

CHAPTER 498.

AN ACT to amend an act, entitled "An act to cause good school houses to be erected in the Eighth and Ninth Congressional Districts," approved March 10th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public
Acts of ad-
journal session
of 1869-70, page
51.

§ 1. That the fourth section of an act, entitled "An act to cause good school houses to be erected in the Eighth and Ninth Congressional Districts," approved March 10th, 1871, be so amended as to allow (at the discretion of the trustees) stoves, with sa'e flue and pipe, to be put up in school-houses, in lieu of chimneys, as required by said act.

Trustees of
school districts
to levy poll-tax
not to exceed
51.

§ 2. That the fifth section of said act be so amended as to empower trustees of school districts to levy a capitation or poll-tax, not to exceed one dollar, on each white male citizen subject to pay county levy or poll-tax in said district, for the purpose of buying stoves, making chimneys, buying glass and sash for windows, or buying nails.

§ 3. It shall be the duty of the school trustees to deliver to the sheriff of the county a list of persons subject to pay the said tax, with the amount levied on each; and it shall be the duty of the sheriff to collect said tax under the same rules as the revenue is now collected, and pay the same over to the trustees of the districts entitled thereto; and he and his sureties shall be liable, on his bond, for any delinquency of the sheriff under this act, to be recovered in any court having jurisdiction.

1872.

List of persons subject to pay the tax to be delivered to the sheriff who is required to collect the same.

§ 4. This act shall only apply to the counties of Magoffin, Morgan, Rowan, Wolfe, Elliott, Lawrence, and Breathitt.

§ 5. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 506.

AN ACT to change the time of holding the Barren circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Barren circuit court, in each year, shall commence on the first Monday in April and October, and shall continue at each term twenty-four juridical days

Barren circuit court.

§ 2. This act shall take effect from the first day of May, 1872.

Approved March 13, 1872.

CHAPTER 512.

AN ACT to amend an act for the protection of sheep in this Commonwealth, approved January 31, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section third of an act, entitled "An act for the protection of sheep in this Commonwealth," approved January 31, 1865, be, and the same is hereby, so amended as to include goats, and protect the same as sheep and lambs are protected by said act.

See Myers' Supplement, p. 189.

§ 2. This act shall take effect from its passage.

Approved March 13, 1872.

1872.

CHAPTER 514.

AN ACT to prevent the destruction of fish in the Kentucky river and its tributaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to
seine, &c., in
Kentucky river

§ 1. That it shall not be lawful for any person or persons to haul a seine, or stretch a set-net, or use a gill-net, for taking fish in the Kentucky river.

Unlawful to
use gill, &c., in
Kentucky river
or within half
mile of the
mouth of its
tributaries.

§ 2 That it shall not be lawful for any person or persons to use a gaff, or gig, or trap, for the purpose of taking fish in the Kentucky river, or within a half a mile of the mouth of any tributary stream of said river, during the spawning season; that is, from the 1st day of April to the 31st day of May, inclusive.

Penalty not
less than \$10
nor more than
\$30.

§ 3. That each and every person who shall be guilty of a violation of this act shall, for each and every offense, be subject to a fine of not less than ten dollars nor more than thirty dollars, recoverable by warrant in the name of the Commonwealth of Kentucky before any justice of the peace, police judge, or county judge, one half of which so recovered shall go to any informer.

§ 4. That this act shall take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 540.

AN ACT to amend section two, article five, chapter thirty-two, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's
Revised Stat-
utes, vol. 1, p.
436.

Unlawful for
county clerk to
open poll-book.

§ 1. That section two, article 5, title "Comparing Poll-books, Certificates," chapter thirty-two, title "Elections," of the Revised Statutes, be, and the same is hereby, so amended as to make it unlawful for any county clerk, or any other person, to break the seal of the poll-books, or open them, before the comparing board or a majority of them meet to compare the poll-books and certificates.

Penalty not less
than \$50 nor
more than \$100,
and imprisonment
in county jail.

§ 2. Any person or persons violating the provisions of this act shall be fined not less than fifty nor more than five hundred dollars, or shall be imprisoned in the county jail not less than three nor more than six months, or both, at the discretion of the jury.

§ 3. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 555.

1872.

AN ACT to prevent the destruction of fish in Little Kentucky river, and other streams, in Carroll and Trimble counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person to catch fish in the Little Kentucky river in the counties of Carroll or Trimble, or either of them, by the use of drags, nets, or seines; and that any person so offending shall be guilty of a misdemeanor, and fined not less than ten nor more than twenty dollars for each offense, said fine to be recovered upon indictment in the circuit court of said counties, or before a justice of the peace of the county in which such offense has been committed.

Unlawful to seine &c., in Little Kentucky river, in the counties of Trimble and Carroll.

Penalty not less than ten nor more than twenty dollars.

§ 2. That all fines recovered under this act shall be paid over by the officer collecting the same to the trustees of the jury fund of the county in which such recovery is had; and that said trustees shall account for the same in the settlement of his accounts with the courts of which he is trustee. The provisions of this act shall apply to all streams in Trimble county.

Fines to be paid to trustee of jury fund.

§ 3. This act shall take effect from its passage.

Approved March 14, 1872.

CHAPTER 559.

AN ACT to change the time of holding the Ohio county quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the quarterly courts of Ohio county shall be holden on the fourth (4th) Mondays of January, April, July, and October of each year, instead of the times now fixed by law.

Ohio quarterly court.

§ 2. This act to take effect from and after the 1st day of March, 1872.

Approved March 14, 1872,

CHAPTER 571.

AN ACT to continue in force an act, entitled "An act to increase the compensation to the Public Printer," approved February 25, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to increase the compensation to the Public Printer," ap-

1872. proved February 25, 1865, be, and the same is hereby, continued in force from and after the 25th day of February, 1872.

§ 2. This act to take effect from its passage.

Approved March 16, 1872.

CHAPTER 576.

AN ACT to repeal an act concerning public books, and providing for the supply of destitute counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See Public Acts of adjourned session of 1869-70, page 95.

§ 1. That an act concerning public books, and providing for the supply of destitute counties, approved March 16th, 1869, be, and the same is hereby, repealed, except so far as it applies to the counties of Boone, Bourbon, Casey, Crittenden, Franklin, Grayson, Jackson, Lyon, Mason, Perry, and Wolfe.

Act repealed as to above named counties where books are furnished.

§ 2. That when either of the counties above named shall have been once supplied with books under the provisions of said act, then it shall stand repealed as to the county or counties so supplied

§ 3. This act shall take effect from and after its passage.

Approved March 18, 1872.

CHAPTER 577.

AN ACT to change the terms and regulate the business of the Graves circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Graves circuit court.

§ 1. That hereafter the terms of the Graves circuit court shall begin on the second Mondays of April and October in each year, and continue thirty-six juridical days, if the business shall require.

Time when equity, criminal, and common law cases are to be tried.

§ 2. That the first twenty-four juridical days shall be set apart for the Commonwealth and common law business, so long as required, and the remaining twelve juridical days shall be appropriated to the chancery business; but the court may, at its discretion, entertain motions in chancery suits, and try the same during the first twenty-four juridical days, and motions in law cases during the remaining twelve days.

Duty of clerk to distribute common law & criminal cases through the first 24 juridical days.

§ 3. It shall be the duty of the clerk, so long as the business may require it, to distribute the Commonwealth and common law cases through the first twenty juridical days, as he may deem the court case dispose of the same,

and shall issue summons for witnesses, &c., for the day to which each case is set; and the business set for each day shall have precedence of all suits that have been called before that day, but have not been disposed of because the same was not ready when called.

1872.

§ 4. The clerk shall set the debt appearances for the sixth day, when they shall be called by the court, and judgment rendered, unless a defense shall be put in, or the court, for good cause, shall give further time; and in such cases, as issues may be made, the clerk shall then put them on the day's docket to which they should have been assigned in the regular order of their respective dates of bringing the suit.

Clerk to set debt appearances for the sixth day.

§ 5. The equity appearances shall likewise be put on the docket for the sixth day of the term, and that day called by the court; and in such cases as should then be answered, judgment may be given by confession, unless time be extended by the court.

Equity appearances to be set on the 6th day.

§ 6. This act to go into effect on July 1, 1872.

Approved March 18, 1872.

CHAPTER 578.

AN ACT to amend the 28th section of chapter 103 of the Revised Statutes, title "Turnpike and Plank Roads."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twenty-eight of chapter one hundred and three of the Revised Statutes, be, and the same is hereby, so amended, that the county court shall not shut up and close such lateral road now in use, or which may hereafter be in use, unless for good and sufficient cause first shown.

See Stanton's Revised Statutes, vol. 2, p. 446.

§ 2. That all laws and acts that are in conflict with this act, be, and the same is hereby, repealed.

§ 3. This act shall apply alone to the county of Owen.

§ 4. This act shall take effect from its passage.

Approved March 18, 1872.

CHAPTER 581.

AN ACT to regulate the terms and business of the McCracken court of common pleas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter each term of the common pleas court for McCracken county shall continue in session one hundred and twenty juridical days, if the business

The McCracken court of common pleas to continue in session 120 juridical days, but not consecutively. To be adjourned for other courts.

1872. shall so require, but not consecutively, for said terms shall be temporarily adjourned, that the common pleas court may be held in the other counties of the district at the time of such adjournment shall constitute no part of the terms of the said court for McCracken county; and the judge of said court may make temporary adjournments for a part of all of the time that the McCracken circuit court and the United States court, at Paducah, are in session, and for other causes.

Terms to begin
at time pre-
scribed by law.
Jurisdiction.

§ 2. The terms of said common pleas court for McCracken county shall begin at the times prescribed by law, and it shall have jurisdiction in all civil matters and causes as fully as are vested in the circuit courts of the Commonwealth, and may entertain and adjudicate actions, suits, motions, provisional remedies, and summary proceedings, when and under the same circumstances and conditions that the McCracken circuit court could, if brought therein; and may render judgment as amply and fully as could said circuit court on a like proceedings.

Duty of clerk
to distribute
business, and
the manner in
which it is to
be done.

§ 3. It shall be the duty of the clerk of said court to distribute the business as nearly equal as may be, so that the suits on the ordinary docket, motions, provisional and summary remedies, shall be set for the first thirty juridical days of each term, excluding Saturday, for which days no business shall be set on the ordinary docket; but such days shall be set apart for motions, and completing or doing the business of the previous days, so far as may be done; and the business set for the respective days shall have precedence on the day so set over all causes which have been regularly called, but not disposed of, nor on trial; and such, when called, if not disposed of or put on trial, shall go to the foot of the docket for the term; and any causes transferred from the McCracken circuit or other court shall be put at the proper place among the appearances on the docket at the first term that occurs, not less than ten days after such transfer; and all causes so transferred shall stand for trial when the process has been executed, and the orders therein taken would authorize a trial, had the cause been originally begun in said court. The equity docket may be called and disposed of at such times during the terms as may not be required for the disposal of the business on the ordinary docket, motions, provisional remedies, and summary proceedings.

§ 4. That all acts and parts of acts coming within the purview of this act are hereby repealed; and this act shall take effect from its passage.

Approved March 18, 1872.

CHAPTER 582.

1872.

AN ACT regulating the terms of the McCracken circuit court, and a transfer of cases therein to the McCracken court of common pleas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the terms of the McCracken circuit court shall begin as prescribed by law, and continue twenty-four juridical days, if the business of the court shall so require.

Term of McCracken circuit court 24 juridical days.

§ 2. That either party to any civil action, motion, provisional remedy, or summary proceeding, when the same, nor any branch thereof, has not been adjudicated in the circuit court, shall have the right, on motion made in open court, to have the same transferred to the common pleas court for McCracken county, unless the same can be tried at the then term of the circuit court; and the clerk shall place such transfer and case at the proper place on the appearance docket at the first term of the common pleas court after such transfer.

Certain cases to be transferred to court of common pleas.

§ 3 All acts and parts of acts coming within the purview of this act are hereby repealed; and this act shall take effect immediately after its passage.

Approved March 18, 1872.

CHAPTER 501.

AN ACT to lay off the State into ten Congressional Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, for the purpose of choosing ten members of the House of Representatives in the Congress of the United States, under the ninth census, the State shall be divided into ten districts, in each of which one member shall be elected:

The counties of Fulton, Hickman, Calloway, Marshall, McCracken, Ballard, Trigg, Lyon, Crittenden, Livingston, Graves, and Caldwell, shall compose the First District.

First.

The counties of Daviess, Hopkins, Muhlenburg, Ohio, McLean, Christian, Webster, Henderson, Hancock, and Union, shall compose the Second District.

Second.

The counties of Todd, Logan, Butler, Edmonson, Warren, Simpson, Allen, Barren, Monroe, Metcalfe, Cumberland, and Clinton, shall compose the Third District.

Third.

The counties of Green, Spencer, Bullitt, Nelson, Washington, Marion, Laue, Hart, Grayson, Hardin, Breckinridge, and Meade, shall compose the Fourth District.

Fourth.

The counties of Jefferson and Oldham shall compose the Fifth District.

Fifth.

1872. The counties of Harrison, Pendleton, Grant, Campbell, Kenton, Boone, Gallatin, Carroll, and Trimble, shall compose the Sixth District.

Sixth. The counties of Jessamine, Clark, Bourbon, Fayette, Woodford, Franklin, Scott, Owen, Henry, and Shelby, shall compose the Seventh District.

Seventh. The counties of Wayne, Pulaski, Lincoln, Garrard, Madison, Mercer, Boyle, Casey, Taylor, Anderson, Adair, and Russell, shall compose the Eighth District.

Eighth. The counties of Whitley, Knox, Laurel, Rockcastle, Jackson, Estill, Powell, Owsley, Clay, Harlan, Perry, Breathitt, Wolfe, Morgan, Magoffin, Floyd, Pike, Letcher, Menifee, Elliott, Josh Bell, Lee, and Montgomery, shall compose the Ninth District.

Ninth. The counties of Bracken, Mason, Lewis, Greenup, Boyd, Carter, Lawrence, Johnson, Rowan, Bath, Martin, Nicholas, Fleming, and Robertson, shall compose the Tenth District.

Tenth. § 2. This act shall take effect from its passage.

Approved March 18, 1872.

CHAPTER 600.

AN ACT changing the time of holding the quarterly courts in the county of Knox.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Knox quarterly court. § 1. That the times of holding the quarterly courts of Knox county be, and the same is hereby, changed to the Thursdays after the first Mondays in April, July, October, and January; and that all acts conflicting herewith are hereby repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 18, 1872.

CHAPTER 601.

AN ACT to amend an act approved December 20, 1871, re-establishing the common pleas court in Hickman county, and to repeal an amendment thereto, approved 6th February, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Ante, p. 15. § 1. That so much of the second section of an act re-establishing the court of common pleas in the county of Hickman, approved the 20th of December, 1871, as requires the clerk of the Hickman circuit court, on the

first Monday of February, 1872, to transfer, by an order, the chancery and equity causes from the circuit court to the court of common pleas of said county of Hickman, be, and the same is hereby, repealed.

1872.

§ 2. That an act, entitled "An act to amend an act re-establishing the courts of common pleas in Hickman county," approved 6th February, 1872, be, and the same is hereby, repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved March 18, 1872.

CHAPTER 609.

AN ACT to regulate the times of holding circuit courts in the 15th judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the times of holding the circuit courts in the fifteenth judicial district be as follows, to-wit:

1st. In the counties of Whitley and Knox as now fixed by law. Whitley and Knox.

2d. In the county of Laurel on the Monday after the Knox circuit court, and continue twelve juridical days. Laurel.

3d. In the county of Rockcastle on the Monday after the Laurel circuit court, and continue twelve juridical days. Rockcastle.

4th. In the county of Josh Bell on the Monday after the Rockcastle circuit court, and continue six juridical days. Josh Bell.

5th. In the county of Harlan on the Monday after the Josh Bell circuit court, and continue six juridical days. Harlan.

6th. In the county of Letcher on the Monday after the Harlan circuit court, and continue six juridical days. Letcher.

7th. In the county of Perry on the Monday after the Letcher circuit court, and continue six juridical days at the spring term, and twelve juridical days at the fall term. Perry.

8th. In the county of Breathitt on the Monday after the Perry circuit court, and continue six juridical days. Breathitt.

9th. In the county of Jackson on the Monday after the Breathitt circuit court, and continue six juridical days. Jackson.

10th. In the county of Clay on the Monday after the Jackson circuit court, and continue so long as the business of the court may require; but said courts are not required to be held in any of said courts longer than the business thereof may require. Clay.

§ 2. That where warrants of arrest, summons, or other process, have been executed, notifying or requiring any Service of warrants of arrest, summons, &c.

1872. person or persons to appear at any of the circuit courts of said fifteenth judicial district at the times fixed by law, before this act takes effect, the same shall be sufficient service of said warrants, summons, or other process, for the appearance of said persons at the terms of said courts as changed by this act.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1872.

CHAPTER 621.

AN ACT to provide for the preservation of the estates and security of persons of unsound mind, who, by habitual or excessive use of poisonous drugs, have become incompetent to manage themselves and estates with prudence and discretion.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Duty of circuit court upon petition of two citizens to inquire into condition of persons using opium, &c., to excess.

§ 1. That, upon the petition of any two or more respectable citizens, verified affidavit, that any person has, by the habitual or excessive use of opium, arsenic, hasheesh, or any drug, become incompetent to manage themselves or estates with ordinary prudence and discretion, or upon information and application of the attorney for the Commonwealth, it shall be the duty of the circuit or chancery court of the county in which such person resides to cause an inquest to be held by a jury, in open court, to inquire into the fact.

See Stanton's Revised Statutes, vol. 2, pp. 35, 36, and 37.

§ 2. The proceedings upon such inquest shall be the same as provided in the 6th, 7th, 8th, and 9th sections of chapter 48, article 2, of Revised Statutes, varied to suit the case.

If such person be incompetent to manage himself or his estate, to have committee appointed, &c.

§ 3. That, upon such person being found incompetent to manage himself or estate with ordinary prudence and discretion, the court may order him and his estate into the custody and control of a committee of one or more persons, with power to confine such person in any private asylum, or in one of the lunatic asylums of this Commonwealth: *Provided*, That no such person shall be maintained in a public asylum at the expense of the Commonwealth, except those who have become destitute of means by the excessive use of the drugs mentioned in the first section.

§ 4. The court shall require of the committee or committees appointed by them security for the faithful discharge of their duties as such, and for the proper preservation and management of the estates of such persons so found incompetent, and may, from time to time, change the committee, and have full power, jurisdiction, and authority over the persons and estates of such persons as

they now have over the persons and estates of all other persons of unsound mind. 1872.

§ 5. Whenever it shall be suggested to the court, by affidavit, that a person confined under the provisions of this act has been restored to competency to manage themselves and their estates, or that the inquest was false or fraudulent, the court shall forthwith direct the facts to be inquired into by a jury, in open court, and all necessary orders and decrees in the premises.

§ 6. This act to take effect from its passage.

Approved March 18, 1872.

CHAPTER 643.

AN ACT to protect the owners of land, and to prevent certain trespasses, in Logan and Todd counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who enters upon the inclosed lands of another in Logan and Todd counties, without the consent of the owner, for the purpose of hunting or chasing any kind of game, or of catching fish, or who shall cut or destroy any growing trees or other timber upon another's land without the owner's consent or who trespasses upon his orchard or gardens, by taking and carrying away any fruit, vegetables, or melons therefrom, without the consent of the owner thereof, shall be deemed guilty of trespass, and shall be fined not less than ten nor more than twenty dollars: *Provided, however,* That no conviction shall be had under this act unless the owner of the land on which such trespasses are charged to have been committed has, previous to such trespass, given notice, by advertisements, through some newspaper published in the county where said land is situated, or by printed notices posted up at three or more of the most public places upon said land, warning all persons from committing any of the trespasses aforesaid upon his land.

Unlawful to enter upon inclosed lands in Logan & Todd counties to fish &c., without consent of owner.

§ 2. That this act may be enforced by presentment by the grand jury, or before any magistrate of said counties, upon the complaint of the owner of the lands named in the first section of this act, who shall be a competent witness for the Commonwealth in the trial of offenders under this act.

§ 3. All fines recovered under this act shall be paid into the jury fund for said county in which the case is tried, and may be collected by *capias pro fine* or otherwise, as is now provided by law for the collection of other fines.

§ 4. This act shall take effect from its passage.

Approved March 20, 1872.

1872.

CHAPTER 657.

AN ACT to amend the criminal laws of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Felony to enter into railroad depot &c., with intent to kill or rob any person therein.

§ 1. That if any person shall willfully, maliciously, and forcibly break and enter into any railroad depot, car factory, station house, railroad car, or express car, with intent to kill or rob any person therein, or steal property, money, or any thing of value therefrom, every person so offending shall be deemed guilty of felony, and, upon conviction thereof, shall be punished by confinement in the penitentiary not less than three nor more than ten years.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1872.

CHAPTER 678.

AN ACT changing the time of holding the February term of the Franklin circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Franklin circuit court.

§ 1. That the February term of the Franklin circuit court shall hereafter commence on the second, instead of the third, Monday in February, and continue eighteen juridical days, if the business of the term requires it.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1872.

CHAPTER 688.

AN ACT to change the time of holding the Estill quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Estill quarterly court.

§ 1. That hereafter the quarterly courts of Estill county shall be held on the first Mondays in February, May, August, and November, and continue in session as long as the business may require, at each term.

§ 2. This act shall take effect from its passage.

Approved March 21, 1872.

CHAPTER 689.

1872.

AN ACT to define and locate the county line between the counties of Elliott and Rowan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between Elliott and Rowan, near the head of the Laurel Fork of Little Sandy, be, and the same is hereby, located and defined, and the same shall so run as to include the farm known as the David Fannin farm, in the county of Elliott.

County line between Elliott and Rowan defined.

§ 2. This act shall take effect from its passage

Approved March 21, 1872.

CHAPTER 691.

AN ACT to repeal an act, entitled "An act to authorize the marking and defining and establishing the line between the counties of Pendleton and Grant."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to authorize the marking and defining and establishing the line between the counties of Pendleton and Grant," approved March 15, 1871, be, and the same is hereby, repealed.

See Public Acts of 1871, page 63.

Approved March 21, 1872.

CHAPTER 695

AN ACT to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to empower county courts to take stock in turnpike roads in this Commonwealth be, and the same is hereby, so amended as to authorize and empower the county judge, at all elections, to cast a vote for each share of stock the county has in each turnpike road in the county. That when any such turnpike road, in which the county has stock, shall declare a dividend, the amount due the county shall be paid to the treasurer of the county, to be applied in defraying the current expenses of the county.

See Public Acts of adjourned session of 1868-70, page 38.

§ 2. This act shall take effect from its passage.

Approved March 21, 1872.

1872.

CHAPTER 718.

AN ACT to amend section one, article twenty-one, chapter twenty-eight, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's
Revised Stat-
utes, vol. 1,
page 405.

§ 1. That section one, article twenty-one, chapter twenty-eight, of the Revised Statutes, be so amended, that whoever shall be guilty of either of the offenses described in said section, shall be fined not less than five hundred nor more than ten thousand dollars.

§ 2. This act shall take effect from its passage.

Approved March 25, 1872.

CHAPTER 720.

AN ACT to regulate the time of holding circuit courts in the fourteenth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit courts in the following counties shall be held as hereinafter directed, viz:

Mason.

§ 2. In the county of Mason the circuit court shall commence on the fourth Mondays in March and September in each year, and be held (24) twenty-four juridical days at each term, if the business so requires.

Nicholas.

§ 3. In the county of Nicholas the circuit court shall commence on the fourth (4th) Mondays in April and October in each year, and be held twelve juridical days at each term, if the business so requires.

§ 4. This act shall take effect on the first day of June, 1872.

Approved March 25, 1872.

CHAPTER 743.

AN ACT to amend an act, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way, and to extend a line of railway through certain counties in this Commonwealth," approved February 13, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Certain re-
strictions con-
tained in or gi-
ven to be re-
moved. See p.
20.

§ 1. That so much of the proviso to section fourteen of an act approved February 13, 1872, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way, and to extend a line of railway through certain counties in this Commonwealth," as requires the trustees of the Cincinnati Southern Railway to pay an amount equal to fifty cents per capita for

each through passenger, and twenty-five cents for each passenger for one hundred miles; and so much of the proviso to the preamble to said act as requires the said trustees to report the lines surveyed to the citizens of Cincinnati, and to locate the road-bed as indicated by the votes of the citizens and tax-payers of said city, be, and the same are hereby, repealed.

1872.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1872.

CHAPTER 774.

AN ACT to prevent and punish certain trespasses in Scott and Woodford counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter if any person or persons shall willfully or maliciously, and against the will and consent of the owner, pull down, break, or injure any stone fence, abutment of any bridge, or tear up any culvert, shall, upon conviction thereof, before any court of competent jurisdiction, be punished by a fine of not less than ten nor more than fifty dollars.

Person injuring or tearing down any stone fence liable to a fine of not less than ten nor more than fifty dollars.

§ 2. And such person or persons so convicted shall be imprisoned in the jail of the county at the rate of one day for each two dollars of said fine until the said fine shall be paid: *Provided*, Such person or persons so convicted may be required, by order of the court in which such conviction is had, to discharge said fine by work upon any of the public highways of the county, or the streets of Georgetown or Versailles, at the rates of one day's work for each two dollars of said fine; said work upon said streets or public highways to be done under the supervision and direction of the marshals of Georgetown or Versailles, or the surveyor of a public highway in either of said counties.

Person convicted to be imprisoned, or to pay fine at a rate of two dollars per day, or put to work on public roads.

§ 3. This act shall take effect and be in force from its passage.

Approved March 26, 1872.

1872.

CHAPTER 781.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the following persons, to be paid by the Treasurer, out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor:

§ 2. To the Speakers of the Senate and House of Representatives, ten dollars each, per day, during the present session.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars, each, per day, during the present session, and the same for such time as may be necessary, not exceeding ten days after the adjournment, for preparing the acts for publication.

§ 4. To the Assistant Clerks of the Senate and House of Representatives, ten dollars, each, per day, during the present session; and to Isaac Wingate, six dollars per day for the time he has assisted the Clerk of the Senate during the present session, to be certified by the Clerk of the Senate.

§ 5. To the Sergeant-at-Arms of the Senate and House of Representatives, each, eight dollars per day, during the present session.

§ 7. To R. G. Burton and William Marshall, Clerks of the Enrolling Committees of the Senate and House of Representatives, eight dollars, each, per day, during the present session.

§ 8. To the Pages of the Senate and House of Representatives, three dollars per day during the present session, each.

§ 9. To the Ministers of the Gospel of Frankfort, three hundred dollars, to be distributed among them by R. A. Thomson, Sergeant-at-Arms of the House of Representatives.

§ 10. To D. D. Sublett, Sergeant-at-Arms of the Senate, for the benefit of Lewis Harris and George Gessoman, each, three dollars per day, during the present session, for making fires, waiting on the Senate Chamber and cloak-room during the present session.

§ 11. To the Sergeant-at-Arms of the House of Representatives, three dollars per day, during the present session, for services of Robert Duvall, for Page in attendance on the cloak-room.

§ 12. To the Sergeant-at-Arms of the House of Representatives, three dollars per day, during the present session, for the use of John Walsh and Daniel Morton, each, for attending Hall House of Representatives.

1872.

§ 13. To the Sergeant-at-Arms of the House of Representatives, three dollars per pay, during the present session, for the use of John Maloy, for wheeling wood

§ 14. To George B. Crittenden, for the use of John H. Morton, one dollar per day, during the present session.

§ 15. To George B. Crittenden, two dollars per day, during the present session, for the use of James Coleman, for attending the "back capitol."

§ 16. To J. G. Hatchitt, for postage on papers, thirty-five dollars and fifty-five cents.

§ 17. To G. W. Miller, for work done on stoves and pipes, for Senate and House of Representatives, sixteen dollars.

§ 18. To John L. Moore, for articles furnished House of Representatives, forty-one dollars and eighty-two cents.

§ 19. To Gray, Rodman & Gray, for articles furnished General Assembly, during present session, fifty-six dollars and fifty-five cents.

§ 20. To S. C. Bull, for articles furnished General Assembly, during present session, thirty-three dollars and ten cents.

§ 21. To J. W. South, for chairs furnished Senate and House of Representatives, present session, forty-three dollars

§ 22. To L. B. Marshall, for articles furnished General Assembly, forty-five dollars and ten cents.

§ 23. To Rodman & Bro., for articles furnished the General Assembly, during the present session, one hundred and thirteen dollars and three cents.

§ 24. To A. B. Reed, for repairs done for the Senate and House of Representatives, during the present session, two hundred dollars.

§ 25. To Nancy Morton, for making mail-bags and washing towels for House, ten dollars.

§ 26. To Chas. W. Vogler, for repairs in House of Representatives, during present session of General Assembly, fifty dollars.

§ 27. To Lewis Harris, for washing towels for Senate, five dollars.

§ 28. To Bell Combs, for making mail-bags for Senate, two dollars.

§ 29. To Jas. W. Roberts, Barney M. Heywood, and J. R. Scott, for expenses and per diem while attending investigating committee of Senate, each, eight dollars.

§ 30. To A. T. Pope, for expenses joint committee Senate and House of Representatives visit to Lexington College, forty-one dollars and twenty-five cents.

§ 31. To D. D. Sublett, for expenses in summoning witnesses, five dollars.

§ 32. To the Courier-Journal Company, for furnishing

1872. General Assembly ——— copies of Courier-Journal at present session, four hundred and forty-six dollars and forty cents.

§ 33. To W. H. Stanley, for newspapers furnished General Assembly at the present session, seven hundred and seventy-five dollars

§ 34. To the Lexington Daily Press, for thirty-three copies of said paper, furnished General Assembly, during the present session, forty-seven dollars.

§ 35. To Major & Johnston, for Yeoman furnished General Assembly the present session, five hundred and fifty dollars.

§ 36. To the Louisville Ledger Company, for papers furnished Senate at present session, one hundred dollars.

§ 37. To publishers Maysville Bulletin, for newspapers furnished this session, four dollars and fifty cents.

§ 38. To Graham Hughes, three dollars per day during the present session, for enrolling bills, in addition to the sum paid him by Clerk for such services.

§ 39. To Thomas S. Pettit, ten dollars, for Owensboro Monitor, furnished present General Assembly.

§ 40. To Santord Goin, for ice furnished General Assembly, during present session, fifty-six dollars.

§ 41. To J. A. Dawson, for services as commissioner to settle claims of Newton Craig against the Commonwealth, under an act of the General Assembly, one hundred and fifty dollars.

§ 42. To the Clerks of the Senate and House of Representatives, each, such sum as they may respectively certify to the Auditor as paid by them for enrolling bills and resolutions, during the present session.

§ 43. To S. R. Smith, for ——— copies of the Commonwealth, furnished the present session, eleven dollars.

§ 44. To W. R. Watson, janitor of Library, three dollars per day, during the present session of the General Assembly, for his services as such.

§ 45. To Meek & Bond, nine dollars for Big Sandy Herald, furnished members.

§ 46. To the Speakers *pro tempore* of each House, five dollars per day in addition to their per diem, during the time they acted; the time to be certified by the Clerks of the respective Houses.

§ 47. This act shall take effect from its passage.

Approved March 26, 1872.

CHAPTER 785.

1872.

AN ACT to amend an act, entitled "An act authorizing the Commissioners of the Sinking Fund to contract with State banks for interest in State deposits," approved March 2, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act authorizing the Commissioners of the Sinking Fund to contract with the State banks for interest in State deposits," approved March 2, 1865, be, and the same is hereby, so amended as to authorize and direct the Commissioners of the Sinking Fund to advertise, for at least ten days, in the Frankfort Yeoman, and some one newspaper published in the city of Louisville, for proposals, by any chartered bank or banks in this Commonwealth, for deposits of money now, or which may hereafter be, on hand belonging to the Sinking Fund.

Commissioners to advertise for proposals for deposits of the Sinking Fund.

§ 2. That the bank or banks proposing to pay the highest rate of interest, not less than five per centum per annum, and executing covenant to the Commonwealth, and giving such other securities as hereinafter directed, shall, at the discretion of the Commissioners aforesaid, be entitled to the deposits of said money; but if in the opinion of the Commissioners of the Sinking Fund the interest of the State will be better promoted by depositing in more than one bank, they may require deposits to be made in such other bank or banks as they may designate: *Provided*, Such other bank or banks shall pay interest thereon at a rate not less than five per centum per annum, and execute covenant, and otherwise securing the State, as required by this act.

Banks proposing the highest rate of interest to have deposits, and to give security, &c.

§ 3. The bank or banks with which a contract is made for deposits of said money shall first execute covenant, with good and sufficient surety, to be approved by the Governor, for the faithful discharge of all duties under this act, which bond shall be filed and preserved by said Commissioners: *Provided, however*, The Governor may require any other and additional securities or pledges deemed necessary by him, and the same shall be given or delivered before such deposit is made.

Commissioners to have the right to deposit in more than one bank, if they deem it expedient.

Bank to execute bond, to be approved by the Governor.

§ 4. The said moneys so deposited shall be drawn out and paid in the manner to be agreed upon by the Commissioners of the Sinking Fund, and the bank or banks in which the deposits shall be made.

Deposits to be drawn out, &c., as agreed upon.

§ 5. That upon the execution and approval of such bond or bonds, and giving other security satisfactory to the Governor as aforesaid, it shall be the duty of the Commissioners of the Sinking Fund, immediately there-

Deposits to be made upon execution of bond.

1872. after, to make the deposits of said moneys with such bank or banks as herein provided for.

Commissioners authorized to pay indebtedness of State with money arising from the sale of the State stock in the Bank of Kentucky, or otherwise belonging to the Sinking Fund.

§ 6. But the Commissioners of the Sinking Fund are hereby authorized to apply any money arising in the sale of the State's stock in the Bank of Kentucky, or otherwise belonging to the Sinking Fund, to the payment of any of the indebtedness of the State outstanding, paying first the remaining outstanding bonds not embraced by the late contract with the Bank of Kentucky, for which the Sinking Fund is dedicated, and then such other outstanding bonds as, in their discretion and best judgment, may be most advantageous to the State, and on such terms, not exceeding par, as they may be able to agree upon with the holders.

If Commissioners deem it best, they are authorized to redeem Kentucky Military bonds, and reinvest the proceeds.

§ 7. If said Commissioners shall deem it advantageous to the State, they shall redeem the bonds known as the Kentucky Military bonds, held by the said Commissioners for the benefit of the Agricultural College, and reinvest the proceeds in other safe and profitable stocks for the benefit of said Agricultural College: *Provided*, The rate of interest or dividend accruing on any such reinvestment, shall be as much as the State is now paying on said bonds.

§ 8. This act shall take effect from its passage.

Approved March 26, 1872.

CHAPTER 786.

AN ACT to provide for the election and compensation of a vice chancellor of the Louisville chancery court, and to define his duties in connection with said court, and with the Jefferson court of common pleas, and to provide a room and offices for his court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Vice-chancellor to be elected for six years, and his compensation.

§ 1. There shall be elected at the next general election, by the qualified voters of Jefferson county, and every six years thereafter, a vice chancellor of the Louisville chancery court, who shall hold his office for the term of six years, and shall receive the same compensation, and have the same qualifications, as the chancellor of said court; and all laws of the State, or ordinances of the common council of the city of Louisville, in relation to the compensation of the chancellor, shall apply equally to the compensation of the vice chancellor.

Duties of vice-chancellor.

§ 2. It shall be the duty of said vice chancellor to discharge the duties of chancellor in the absence of the chancellor, or in case of his incapacity, from any reason, to sit in any cause; and also to hear and determine any other causes or questions which may be assigned to him

by the chancellor. He shall in nowise interfere with or change the rules of said court, but shall be governed by them.

1872.

§ 3. In the absence of the judge of the Jefferson court of common pleas, it shall be competent for said vice chancellor to hold the court in place of said judge; and all orders and proceedings, trials and judgments, before him, shall be as valid as if done before the judge of said court; or when such judge is incapacitated to try any cause, it shall be the duty of the vice chancellor to assume jurisdiction of and try such cause.

To try cases in the absence of the judge of the court of common pleas.

§ 4. Whenever the said court of common pleas shall fall so far behind the trial docket as, in the opinion of the judge thereof, it shall be deemed expedient and necessary so to do, then it shall be the duty of the clerk of said court to notify the vice chancellor of the fact; and thereupon it shall be the duty of the vice chancellor to open court, and hold the same for the trial of all causes, the day of trial for which has been reached; and such court of such vice chancellor shall be held for such purpose so long as the said court of common pleas shall continue behind its docket.

When vice chancellor is required to hold said court of common pleas.

§ 5. It shall be the duty of the officers having charge of the court-house in Louisville to provide and furnish an appropriate room in the court-house for the court of the vice chancellor, to be paid for as other expenses of the court-house are paid for by the city of Louisville and the county of Jefferson. And the sheriff and clerk of the Jefferson court of common pleas, and the marshal and clerk of the Louisville chancery court, shall furnish proper deputies for said court, accordingly as the same may be sitting as a chancery court or court of common pleas. Whenever the services of a jury are required by such vice chancellor, sitting as a common pleas judge, the unemployed juries of the common pleas court shall serve as such, and all vacancies in the pannel be filled according to the practice of said court.

Provision for rooms, sheriffs, deputies, juries, &c.

§ 6. No action, finding, or decision of the judge of the Jefferson court of common pleas, or of the chancellor of the Louisville chancery court, in any cause, shall be set aside, annulled, or modified, by the vice chancellor, nor shall any action, finding, or decision of the vice chancellor, be set aside, annulled, or modified, by the chancellor, or by the judge of the Jefferson court of common pleas. New trials can be granted only by that one of the three judges before whom the trial was had, so long as such judge remains in office.

Neither the vice chancellor nor the judge of the court of common pleas have any power to set aside any acts of the other.

New trials.

§ 7. It shall not be necessary, in any case, for the record to show that the vice chancellor had jurisdiction of any cause tried before him in either court; but his

Jurisdiction.

1872. jurisdiction shall be conclusively presumed if the court in which he officiated had jurisdiction as a court to try the cause.

When special
chancellor is to
be elected.

§ 8. Whenever the chancellor and vice chancellor are both absent, or both incapacitated for any reason to sit in any cause, then a special chancellor shall be elected as provided by existing laws.

§ 9. This act shall take effect and be in force from and after its passage; and until the next general election the vacancy existing, as well as all vacancies hereafter occurring, shall be filled by appointment by the Governor.

Approved March 26, 1872.

CHAPTER 787.

AN ACT to amend an act, entitled "An act for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies," approved March 15, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public
Acts, ad-
journalled session
of 1869-'70, page
94.

§ 1. That an act, entitled "An act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies," approved March 15, 1870, be amended as hereinafter recited.

§ 2. That sub-section five of section two shall read and be as follows: "To exempt the private property of members from liability for corporate debts."

When or how
corporation can
be dissolved.

§ 3. That section eight shall read: The corporation shall not be dissolved prior to the period fixed upon in the articles of incorporation, except by a majority of the stock of its members, unless a different rule is adopted in the articles; and no such dissolution shall take place unless preceded by the newspaper publication required at its organization, which publication shall be in the newspaper of the county, or an adjoining county, having the largest permanent *bona fide* circulation.

Fraud in fail-
ing to comply
with articles of
incorporation
made misde-
meanor.

§ 4. Section ten shall read: Intentional fraud in failing or refusing to comply substantially with the articles of incorporation shall be a misdemeanor, and, upon indictment and conviction in a court of competent jurisdiction, the party or parties so offending shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment for not less than three months nor more than one year, or fine and imprisonment both, at the discretion of the jury; and any person who has sustained injury from such fraud may also recover damages therefor against those guilty thereof.

Penalty.

§ 5. That sections nine, eleven, twelve, eighteen, nineteen, and twenty are hereby repealed.

§ 6. That section thirteen shall read: The intentional keeping of false books or accounts by any corporation, whereby any one is injured, shall be a misdemeanor on the part of those concerned therein, and they shall, upon trial and conviction, be fined in any sum not less than one hundred nor more than one thousand dollars.

1872.

Keeping false books misdemeanor.

§ 7. Section fourteen shall read: Transfers of stock shall not be valid, except as between the parties thereto, until the same are regularly entered upon the books of the company, so as to show the name of the person by whom and to whom the transfer is made, and the numbers or other designation of the shares, and the date of the transfer. The books of the company shall be so kept as to show intelligibly the original stockholders, their respective interests, the amount which has been paid thereon, and all transfers thereof; and such books, or correct copies thereof, so far as they relate to the items mentioned in this section, shall be subject at all times to the inspection of any person desiring the same.

Manner of transferring stock.

§ 8. Section twenty-two shall read: "In any proceedings by or against a corporation, the court shall have power to compel the officers of the corporation, on motion of either party, upon proper cause being shown, to produce the books of the corporation; and when so produced, either party may use the same in evidence."

Books to be produced in proceedings in court.

§ 9. This act shall take effect from its passage.

Approved March 26, 1872.

CHAPTER 788.

AN ACT to amend an act, entitled "An act authorizing the sale of real estate and slaves in which there is a future contingent interest," approved August 23, 1862.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in cases or suits brought under the act to which this is an amendment, wherein real estate has been sold under a decree of the court, and purchased, and there are supposed defects or errors in the proceedings to obtain the sale, or in the decree of sale, advertisement, sale, report thereof, or its confirmation, it shall be lawful for any party to said case or suit to file a petition in the court in which the same was instituted against the other parties thereto, for a correction of any such defect or error, and for a confirmation of said sale and purchaser; and on proof that the real estate so sold brought its fair value or price, it shall be the duty of said court, by decree, to correct any such defect or error, and confirm and quiet the title of the purchaser of such estate.

See Myers' Supplement, p. 428.
Errors, &c., in sale, &c., to be corrected.

1872.

How investments of proceeds of sale are to be confirmed.

§ 2. That when investments of the proceeds of any sale arising under this act to which this is amendment have been made by virtue of the decree of the court, and doubts may exist as to the power of the court to order the same, it shall be lawful for any party to the suit in which the same was ordered to file a petition in that court against the other parties thereto, their heirs or personal representatives, and on proof that the investment was directed by the court, and was to the interest of all the parties to the suits in which the same was ordered, it shall be the duty of the court, by decree, to confirm said investment.

§ 3. This act shall take effect from its passage.

Approved March 26, 1872.

CHAPTER 790.

AN ACT to amend section twenty-nine, of chapter one hundred and three, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's Revised Statutes, vol. 2, p. 447.

§ 1. That section twenty-nine, of the one hundred and third chapter of the Revised Statutes of this State, entitled "Turnpikes and Plank Roads," be, and the same is hereby, so amended, that if any incorporated company shall seek and obtain the condemnation, under writ of *ad quod damnum*, of any of the property, rights, or franchises of any other incorporated company, the jury making such inquest, or trying any traverse, shall, in addition, allow and assess just compensation for the injury that may be done to the other property, rights, and franchises of such incorporation (and all damages and compensation under said chapter and this amendment shall be a lien as for materials upon the property, rights, and franchises of the incorporation seeking such condemnation, to be enforced as other liens), and to be adjudged and paid like other incidental or collateral damages and compensation provided for in said chapter.

Assessment of damages under writ of *ad quod damnum*.

Appeal lies from county to circuit court, then to Court of Appeals.

§ 2. Appeals from judgments of the county courts shall, in the first instance, be carried to the circuit courts of the county, or other court of like common law jurisdiction in civil cases, in which said cases shall be tried anew, as if there began; and from final orders and judgments of said last named courts appeals may be prosecuted to the Court of Appeals as other appeals are taken.

§ 3. This act to take effect from and after its passage.

Approved March 26, 1872.

CHAPTER 792.

1872.

AN ACT to fix and regulate the time for holding the terms of the circuit courts in the twelfth judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court for the twelfth judicial district shall be holden as follows:

In the county of Kenton, at the court-house in Independence, on the second Mondays in January and July, and continue six days each, if the business thereof requires. Kenton, at Independence.

At the court-house in the city of Covington, in Kenton county, on the second Mondays in March, September, and December, and continue twenty-four days each, if the business therein requires. Covington.

In the county of Robertson, at the court-house in Olivet, on the fourth Monday in January and the third Monday in July, and continue each for twelve days, if the business therein requires. Robertson.

In the county of Campbell, at the court-house in Newport, on the second Monday in February and second Monday in June, and fourth Monday in November, and continue each time twelve days, if the business therein requires; and at the court-house in Alexandria, in the county of Campbell, on the second Monday of April and second Monday of October, and continue six days each, if the business therein requires. Campbell.

In the county of Bracken, at the court-house in Brookville, on the fourth Mondays in February and August, and continue each term twelve days, if the business therein so requires. Bracken.

In the county of Harrison, at the court-house in Cynthiana, on the first Mondays in May and November, and to continue each time eighteen days, if the business therein so requires. Harrison.

In the county of Pendleton, at the court-house in Falmouth, on the third Mondays in April and October, and to continue twelve days each, if the business therein so requires. Pendleton.

§ 2. That in the absence of the judge of the circuit court, that the judge of the criminal court, and judge of the chancery court, may hold and preside at any of the terms of the circuit court in this act provided for and enacted. Provision made in the absence of the judge of the circuit court.

§ 3. That this act shall take effect from and after the 11th day of June, 1872.

Approved March 27, 1873.

1872.

CHAPTER 795.

AN ACT to amend the act creating a criminal court for the counties of Bracken, Pendleton, Harrison, Campbell, and Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Provision made
in the absence
of judge.

§ 1. That in the absence of the judge of the criminal court for the counties of Bracken, Pendleton, Harrison, Campbell, and Kenton, at any term of the court in either of the said counties, the judge of the circuit court, or the judge of the chancery court, in either of said counties, may hold and preside at such terms of said courts, and do and perform all the duties of said judges of the criminal court.

§ 2. That this act shall take effect and be in force from and after the 11th day of June, 1872.

Approved March 27, 1872.

CHAPTER 802.

AN ACT to amend chapter twenty-eight of Revised Statutes, title "Crimes and Punishments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's
Revised Stat-
utes, vol. 1, p.
419.

Unlawful to
injure graves,
and penalty.

§ 1. That an act, entitled "An act to protect graves and graveyards, of chapter twenty-eight of the Revised Statutes, title 'Crimes and Punishments,'" approved 9th March, 1854, be amended as follows, viz: That if any person shall violate the grave of any person by willfully destroying, removing, or injuring the head or foot-stones of the tomb over, or the inclosure protecting, such grave, or by digging into or plowing over the same, or removing any ornament, shrubbery, or flowers of any kind whatever placed upon any grave or lot, shall be fined, at the discretion of a jury, not exceeding one hundred dollars, or imprisonment not exceeding thirty days, at the discretion of a jury.

Duty of super-
intendent of
graveyard to re-
port violations
to the proper
authorities.

§ 2. It shall be the duty of all superintendents or others in charge of any graveyards or cemetery to report to the proper authorities for prosecution of any violations of this act, and for any failure to do so shall be removed by the trustees thereof.

§ 3. This act shall take effect from its passage.

Approved March 27, 1872.

CHAPTER 804.

1872.

AN ACT to amend the third section of an act, entitled "An act authorizing the sale of real estate and slaves in which there is a future contingent interest," approved August 23, 1862.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in sales of real estate provided for and made in accordance with the act to the third section of which this is an amendment, it shall be lawful for the court to cause the proceeds to be reinvested in personal as well as real estate. The personal estate to be held subject to the same limitations and upon the same trusts, and for the same uses, as the property sold; and the court, by its order, shall secure the investments.

Myers' Supplement, p. 426.

§ 2. This act shall take effect from its passage.

Approved March 27, 1872.

CHAPTER 805.

AN ACT to exempt the wages of laborers, who are bona fide housekeepers of this Commonwealth, with a family, from attachment or garnishee, not exceeding fifty dollars.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the wages for work done by laborers who are bona fide housekeepers of this Commonwealth, with a family, shall be exempt from attachment or garnishee, not exceeding fifty dollars.

Fifty dollars of wages of laborers, who are bona fide housekeepers, exempt from attachment.

§ 2. That all acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved March 27, 1872.

CHAPTER 810.

AN ACT to amend section seven, chapter one hundred and five, of the Revised Statutes, in relation to weights and measures.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section seven, chapter one hundred and five, of the Revised Statutes, as relates to the weight of a bushel of oats, be, and the same is hereby; so amended, that hereafter, in this Commonwealth, thirty-two (32) pounds of cleaned or shelled oats shall be a legal bushel; and that all acts and parts of acts hereto-

See Stanton's Revised Statutes, vol. 2, p. 435.

1872. fore passed on this subject, in conflict with this act, be, and the same are hereby, repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved March 27, 1872.

CHAPTER 824.

AN ACT to change the boundary line between the counties of Knox and Josh Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary line
between Knox
and Josh Bell.

§ 1. That the boundary line between the counties of Knox and Josh Bell be so changed to run as follows, viz: Beginning at the Whitley county line, on the top of the Pine mountain, running with the dividing waters between Brush creek and Greasy creek, an east course with the top of what is called the Brush creek ridge, to the head of Dean's branch; thence to the head of the Mill Shoal branch; thence to Cumberland river, and up the same to the Josh Bell county line.

§ 2. That this act shall take effect from its passage.

Approved March 27, 1872.

CHAPTER 827.

AN ACT to amend section 3 of chapter 102 of the Revised Statutes, title "Treasury Warrant Claims."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's
Revised Stat-
utes, vol. 2, p.
430.

§ 1. That section three of chapter one hundred and two of the Revised Statutes, title "Treasury Warrant Claims," be, and the same is hereby, so amended as to authorize the Register of the Land Office to issue patents to persons who have surveyed, or who may hereafter survey, vacant and unappropriated lands in this Commonwealth, for any number of acres so surveyed and appropriated: *Provided*, That this act shall only apply to the counties of Greenup, Lawrence, Pike, Floyd, Laurel, Rockcastle, Letcher, and Clay.

§ 2. This act shall take effect from and after its passage.

Approved March 27, 1872.

CHAPTER 861.

1872.

AN ACT to provide for voting by ballot in the election of Representatives in Congress.

WHEREAS, The Congress of the United States has enacted a law which was approved on the 28th day of February, 1871 (16th volume Statutes at Large, 439-40), the title of which is, "An act to amend an act, approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes,'" and the nineteenth section of which is as follows, viz: "*And be it further enacted, That all votes for Representatives in Congress shall hereafter be by written or printed ballot, any law of any State to the contrary notwithstanding; and all votes received or recorded contrary to the provisions of this act, shall be of none effect;*" now, therefore,

See 16th vol.
U. S. Statutes
at Large, page
439-40.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the elections in this Commonwealth for Representatives in Congress shall be by ballot.

§ 2. That it shall be the duty of the sheriff of each county, or the officer acting for him, where, for any cause, the sheriff cannot act, to provide for each precinct or voting place in the county, and at the expense of the county, to be paid for by the sheriff, and allowed by the county court, a strong and well-made box, sufficiently large to contain all the ballots to be cast at the precinct or voting place to which it is sent, such box to have on it a lid or top, to be fixed to work on hinges, and provided with a lock and key. An aperture sufficient only for the insertion of the ballots shall be made in each box. Such box shall, within two days before the day fixed by law for holding such elections, be, by the sheriff, or other officer acting for him, delivered to the officers of the election in each precinct or voting place. The officers of the election, before the voting begins, shall see that no ballots are in said boxes.

Sheriff to
provide for
precincts and
voting places a
ballot-box, at
the expense of
the county.

§ 3. At the election, the clerk, under the supervision of the officers of the election, shall record the name of each voter on the poll-book, which book shall be so arranged as to have said list separate from the ordinary record of votes at any other election held at the same time and place, and shall be headed on the first page: "A list of those voting for Representatives in Congress at precinct or voting place, in _____ county, at the election held on the _____ day of _____, 18 ____." The blanks to be appropriately filled by the officers of the election at each precinct or voting place.

Manner of
recording name
of voter.

§ 4. The box for the ballots shall remain in the custody of the officers of the election, securely locked, during the

Custody of
ballot-box.

1872.

When to be
delivered to the
clerk.

Ballots to be
printed or writ-
ten on white
paper.

Judges to ex-
amine ballot
far enough to
see that not
more than one
is offered.

Ballot to be
deposited by
judges in pres-
ence of voter.

How ballot
counted.

progress of the election; and said officers shall securely keep it in their custody until the time at which, as now required by law, the officers of the election are to have the poll-books delivered to the clerk of the county court; and said box, after being sealed up by the officers of election, as hereinafter provided, shall also, in like manner with the poll-books, be delivered to the said clerk.

§ 5. All ballots shall be printed or written on white paper, and shall have on them the name of the person voted for, and shall have no other distinguishing mark on them; and each ballot shall be so folded as not to show any part of the name written or printed on it.

§ 6. The judges of the election, after ascertaining, in the mode now provided by law, that the person offering to vote is legally qualified to do so, shall examine his ballot only far enough to see, and no further, that only one ballot is offered; and after the name of the voter is ascertained, he shall then deliver his ballot to the judges, who shall, in the presence of the voter, then deposit the ballot in the box, to be provided as aforesaid. It shall be unlawful for any officer of the election, while the election is in progress, to so far examine the ballot of any voter at said election as to see the name of the person voted for; and it shall also be unlawful for any other person to do so during said election, unless with the express consent of the voter. Such ballots shall remain in the box until removed or taken out, as hereinafter provided, in order to count them; and it shall be unlawful to take them out for any other purpose, or in any other way, than as herein provided for; and the said judges and other officers of the election shall be and remain where the ballot-boxes are kept, at all times after the polls are open, until each and every vote cast at said time and place shall be counted, the canvass of all votes polled be wholly completed, and the proper and requisite certificates or returns made.

§ 7. After the close of the polls, and on the same day, all the officers of the election, at their respective precincts or voting places, shall, in private, and without the presence of any one but themselves, open the box in which the ballots have been deposited, and shall carefully and correctly count the ballots for each candidate, and shall certify the number of votes received by each candidate at such precinct or voting place, in the same way and with the same effect as the poll-books are now required to be certified: *Provided*, That if two or more ballots be folded together, so as to show evidently that one person voted both or all of them, the same shall be rejected and counted out. After said ballots are counted as herein provided, they shall all be again replaced in the said box,

and said box shall then be locked and carefully sealed up, and, as hereinbefore directed, delivered to the county clerk; and after being so delivered to the clerk, it shall remain in his custody, in the same condition as when delivered by the officers of the election, until it is delivered in the same way as the poll-books are now required to be delivered to the examining board. Said clerk shall take care that said boxes are carefully kept, and that no one of them is in any way broken open or tampered with while lawfully in his custody.

1872.

Boxes to be kept by the county clerk.

§ 8. The examining board of each county, at the time and place that they are now required by law to examine the poll-books, shall also open the said boxes, and shall carefully examine and count the ballots in each for each candidate or person voted for, and shall make out and transmit certificates of the result, and of the number of ballots or votes for each person voted for, in the same way as they are now required by law to do in elections held for such representatives. Said board shall not count, nor in any way estimate, any ballot that has on it any distinguishing mark, other than as provided for in section five; nor shall any ballot be counted which has on it the name of more than one person for the same office.

Examining board of county to examine ballot, and to transmit certificates, as now required by law.

§ 9. After said ballots are counted, they shall be carefully bound up in bundles, so that those from each precinct or voting place shall be separate from those from the others, and shall be delivered to, and preserved by, the county clerk, in the same way that poll-books are required to be preserved, for the period of two years at least. The boxes shall be delivered to the county clerk, who shall preserve them for use at the succeeding elections.

Ballots to be kept separate, and preserved by the county clerk.

§ 10. In all respects where the same are applicable, all laws of this Commonwealth pertaining to elections are expressly made to apply to the elections provided for in this act, whether such laws provide for the punishment of offenses or otherwise, provided they are not in conflict with the provisions of this act.

All laws that are applicable, made to apply to election provided for under this act.

§ 11. Any person or persons violating any of the provisions of this act in regard to the conducting of such election, or if any officer of the election, or sheriff, or member of the board of examiners, or county court clerk, shall fail faithfully to discharge all his duties hereunder, he or they shall, on conviction thereof, be fined not less than fifty nor more than five hundred dollars, at the discretion of the jury.

Penalty for violating the above sections.

§ 12. And if any person or persons shall be guilty of unlawfully, or fraudulently and corruptly, opening, or attempting to open, one or more of the said boxes while they are by this act required to be kept locked or sealed;

Penalty for opening boxes, changing ballots, &c., &c., not less than two hundred, nor more than one thousand dollars.

1872. or if any person or persons shall be guilty of changing, or attempting to change, or alter any ballot that has been deposited in the box aforesaid; or if any person shall be guilty of fraudulently or knowingly destroying any one of said ballots before they are counted by the examining board; or if any person or persons shall forcibly, and against the will of a voter, and before he has voted, inspect and look at the ballot of such voter, so as to see the name of the person for whom he intends to vote, as shown by such ballot, every such person guilty as aforesaid shall, on conviction thereof, be fined not less than two hundred nor more than one thousand dollars, at the discretion of the jury. And any person or persons who shall unlawfully remove, or attempt to remove, or take from any of said boxes, one or more of the ballots deposited therein; and any person who shall unlawfully take and carry away from the proper custody, or who shall attempt to take and carry away, one or more of said boxes from the proper custody and place of keeping thereof; and any person, being an officer of the election, who shall fraudulently fail to deliver said boxes, with the ballots therein, to the county clerk, within the time allowed by law, every person thus offending shall, on conviction thereof, be fined not less than two hundred nor more than one thousand dollars, at the discretion of the jury; and any person or persons who shall fraudulently and wrongfully put or insert one or more ballots, or papers intending to represent ballots, into any one or more of the boxes mentioned in this act, at any time before the counting of the ballots is concluded and completed by the board for examining the polls, and their certificate made out, on conviction thereof shall, for each fraudulent and wrongful act, be fined not less than (\$200) two hundred dollars nor more than one thousand dollars.

Penalty for
taking away or
removing bal-
lots.

Sheriff to an-
nounce name of
elector offering
ballot.

§ 13. When an elector shall offer his ballot to the judges of election, it shall be the duty of the sheriff to announce, in an audible voice, the name of the elector who offers his ballot.

§ 14. This act shall take effect from its passage.

Approved March 27, 1872.

CHAPTER 879.

AN ACT concerning pauper lunatics of this Commonwealth.

WHEREAS, It appears that there is a large number of pauper lunatics in this Commonwealth who cannot be received in the asylums because there is not sufficient room for them; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1872.

§ 1. That when any person of this Commonwealth has been or may hereafter be found to be a pauper lunatic, as now prescribed by law, and cannot be received in either of the asylums, some person shall be appointed a committee by the court to take charge of, support, and clothe such lunatic; but before entering on the discharge of his or her duty, he or she shall give bond to the Commonwealth of Kentucky, with good and approved security, that he or she, as the case may be, will treat said lunatics with humanity, give said lunatics wholesome food, clothing, and lodging, and proper medical attention during the time he or she may have the custody of said lunatic; and for said services said committee shall be paid at the rate of two hundred dollars per annum, out of any money in the Treasury not otherwise appropriated; but before said payment is made the clerk of the circuit or county court in which said committee resides shall certify to the Auditor of Public Accounts the time said committee had charge of said lunatic; and when said certificate shall have been received by the Auditor of Public Accounts, he shall draw his warrant on the Treasury, payable to said committee, for the amount due, which sum shall be paid out of any money in the Treasury not otherwise appropriated.

Provision for taking care of pauper lunatics when they cannot be admitted into asylum.

Compensation for caring for lunatic.

§ 2. It shall be the duty of the several clerks of this Commonwealth, when a person has been found to be a pauper lunatic, to copy the inquisition and judgment of court to the superintendent of one of the asylums; and if said lunatic can be received, he or she, as the case may be, shall be carried there by said committee appointed by the court, and shall be paid for said services as committees are now paid in similar cases.

Lunatic to be carried to asylum by committee, if superintendent will receive him.

§ 3. If any committee fails to convey or have conveyed any pauper lunatic to the asylum, after having received notice from the superintendent that said lunatic can be received, the pay of said committee shall cease after having received said notice.

Committee's pay to cease if he does not convey lunatic to asylum after notice from superintendent

§ 4. Where no person will consent to be appointed a committee to a lunatic, the said lunatic shall be delivered to the jailer of the county, and he shall perform the duties assigned herein to a committee, receive the same pay, and shall be paid as committees are paid herein.

Jailer to act if a committee cannot be procured.

§ 5. This act shall take effect from and after its passage.

Approved March 28, 1872.

1872.

CHAPTER 882.

AN ACT to amend an act approved March 2d, 1872, entitled "An act to amend chapter 50, Revised Statutes, entitled 'Inclosures and Certain Trespasses.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Myers' Supplement, p. 272.

§ 1. That every strong and sound fence of rails, brick, stone, plank, or picketing, four feet high, or a ditch three feet deep and three feet broad, with a hedge two feet high, or a rail, plank, stone, picketing, or brick fence two and a half feet high on the margin thereof, the hedge or fence being so close that cattle or other stock cannot creep through, shall be deemed and held to be a lawful fence. This act shall apply to Campbell county only.

§ 2. This act shall take effect from its passage.

Approved March 28, 1872.

CHAPTER 883.

AN ACT to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to drive deer in certain counties. Penalty.

§ 1. That it shall be unlawful for any person or persons to engage in any deer-drive, hunt or chase, with a dog or dogs, in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson; and any person violating the provisions of this act may be fined, in any court having competent jurisdiction, in a sum not less than \$20 nor more than \$50.

Right to drive with consent of owner of lands.

§ 2. That any person or persons who shall first have obtained the consent of the owner or owners of any lands over which they may drive, hunt, or chase deer, are hereby exempted from the provisions of this act.

§ 3. That all fines recovered under the provisions of this act shall be paid into the State Treasury.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved March 28, 1872.

CHAPTER 885.

AN ACT to change the time of holding the court of claims in the county of Robertson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Robertson.

That the time of holding of the court of claims in the county of Robertson be, and the same is hereby, changed

from the third to the second Monday in October, of each year. 1872.

Approved March 28, 1872.

CHAPTER 895.

AN ACT to amend chapter 84, article 1, "Public Roads," of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That where an application is made to open a road, for the convenience of traveling, to an established town, and the applicants are willing to pay the proprietors a fair compensation for the land to be condemned, and the cost of opening and cost of procedure, it shall be deemed to be *prima facie* evidence of the necessity of the proposed road for the convenience of travel that it lies in the right line extended of a street of a city : *Provided*, That this rule shall apply only to an extension of not exceeding two miles beyond the limits of a city that, by the last preceding Federal census, had over fifty thousand inhabitants ; and to an extension of not exceeding one mile where the city had less than that number.

See Stanton's Revised Statutes, vol. 1, p. 225.

Opening roads extending into streets of city.

§ 2. At the option of the applicants a road made under the above section may be made of the full width of the street of which it is an extension.

§ 3. Nothing in this act contained shall prevent a county court from opening a road along the extension of a city street at the expense of the county levy, in whole or in part, in any case where it would have done so but for the enactment thereof, under the provisions of chapter 84, article 1, of the Revised Statutes.

§ 4. This act shall be in force from and after its passage.

Approved March 28, 1872.

CHAPTER 897.

AN ACT to fix and regulate the time of holding the chancery court in the counties of Bracken, Pendleton, Campbell, and Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the chancery court for the counties of Bracken, Pendleton, Campbell, and Kenton shall be held as follows :

- 1872.** In the county of Bracken, at the court-house in Brookville, on the first Monday in June and December.
- Bracken.** In the county of Pendleton, at the court-house in Falmouth, on the fourth Monday of May and the second Monday of October.
- Pendleton.** In the county of Campbell, at the court-house at Newport, on the first Monday of January, second Monday in May, and first Monday in September; at Alexandria on the fourth Monday in January and fourth Monday in June.
- Campbell.** In the county of Kenton, at the court-house at Covington, on the fourth Monday in January, second Monday in April, and fourth Monday in September.
- Kenton.** § 2. That the terms of said court shall continue until the business therein shall be completed.
- Term.** § 3. That, in the absence of the chancellor of said court, the circuit judge or criminal judge for the twelfth judicial district may hold said courts.
- Judge.** § 4. That this act shall not alter or abridge the power of the chancellor to change the time for holding the said courts, as provided for in the act creating the chancery court.
- § 5. That this act shall take effect from and after the 11th day of June, 1872.

Approved March 28, 1872.

CHAPTER 904.

AN ACT for the protection of deer in Breathitt, Morgan, Magoffin, Elliott, and Wolfe counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- Unlawful to chase deer, &c., in certain counties.** § 1. That in order to further protect deer in Breathitt, Morgan, Magoffin, Elliott, and Wolfe counties, that it shall be unlawful for any person or persons to chase with dogs, hunt, or kill deer upon the lands of any person or persons other than the person or lands of the persons, who shall so chase or kill said deer; nor shall any such person or persons take their dog or dogs on the lands of another for that purpose; and any person or persons who shall violate any of the provisions of this act shall, for each violation of the same, be subject to pay a fine of not less than fifty nor more than one hundred dollars, to be recovered by indictment or presentment of a grand jury in the name of the Commonwealth of Kentucky; and the person or persons thus offending and violating any of the provisions of this act shall moreover be made liable to the person or persons upon whose lands they
- Penalty.**

shall so chase or kill deer, as specified in this act, to pay by way of damages not less than ten nor more than one hundred dollars for each offense for so chasing or killing deer; and each day, or part of a day, that any person or persons may thus be on, or have their dog or dogs upon, the lands of another, with such intent, shall be considered a separate offense; which damages shall be recovered by suit or action, by the party aggrieved, in the circuit or quarterly court of the county in which the offense or offenses may have been committed: *Provided, however,* That no person shall be made liable under this act who shall first obtain the written consent of the owner or owners of the lands where they shall hunt, chase, or kill deer, authorizing them to hunt, chase, and kill such deer: *And provided also,* That if any person or persons shall start any deer on their own lands, they have the right to pursue such deer in conformity to the laws of this State now in force. Further, that if any person or persons shall invite, persuade, or induce another person or persons to violate any of the provisions of this act, they shall be held to be jointly and equally guilty with the person doing the act or acts of violations as specified in this act, and shall be subject to all the pains and penalties of this act.

1872.

Liabie to damages to owner.

Right to chase by written consent of owner of land.

§ 2. This act to take effect and be in force from and after the first day of May next.

Approved March 28, 1872.

CHAPTER 912.

AN ACT regulating defenses in actions of trespass in Carroll and Trimble counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in actions of trespass to inclosure the common law remedy shall be restored and re-enacted, and that it shall not be a valid defense in such actions for the defendant to plead that the inclosure, or premises alleged to have been entered by the stock of another, was not inclosed by a lawful fence.

Common law restored as to trespass to inclosure.

§ 2. That the word stock used in this act shall apply to all domestic animals; and that this act shall apply to Carroll and Trimble counties, and be in force from its passage.

Stock to apply to domestic animals.

Approved March 28, 1872.

1872.

CHAPTER 933.

AN ACT to amend an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other, except life insurance companies," approved March 12, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public Acts of adjourned session of 1869-70, p. 42. Banks given until 1st July, 1872, to separate banking & insurance capital

§ 1. That all of the banks and insurance companies heretofore incorporated by this Commonwealth to do, and who have been doing, a general banking and insurance business under one capital, shall have until the first day of July, 1872, to separate their capital and organize an insurance department, in accordance with the provisions of the act entitled as above: *Provided, however,* That nothing herein shall be construed to impair or affect any legal contract or obligation for insurance now existing, or which may be made, up to July 1st, 1872.

§ 2. This act to take effect from and after its passage, and be in force until July 1st, 1872, and no longer.

Approved March 28, 1872.

CHAPTER 934.

AN ACT to amend chapter 83 of the Revised Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Stanton's Revised Statutes, vol. 2, p. 253.

Oath to be administered by assessor.

§ 1. That section thirteen of article six, chapter eighty-three, of the Revised Statutes, be so amended as to read: The assessor, or his assistant, shall administer to every person listing property the following oath before proceeding to list the property: "You do swear that the list of taxable estate about to be given in by you will contain a full and complete list, and the best description of the same you can give, of all and every species of property belonging to you or in your possession, subject to taxation on the 10th of January last; and that no removal of property or omission has been made, or any method or device adopted or practiced whereby to evade the payment of taxes by you; and that you will true and perfect answers make to such questions as may be asked you concerning your taxable estate, or that of others in your possession, or about to be listed by you for them;" if, in the opinion of the assessor or his assistant, there shall be an error in the list of any person's estate listed with him, it shall be his duty to note the same on the tax-book, so as to call the attention of the board of supervisors thereto.

Assessor to file with Auditor, on oath, that he complied with the above section before he can receive any compensation.

§ 2. That the assessors and their assistants shall, upon the return of their tax-books, take an oath before the judge of the county court that they had first administered, to

every person whose list they had taken, the oath prescribed by the first section of this act, except when impracticable to do so, and that with such lists they have returned a note giving the reasons why they failed to administer the oath; which oath shall be certified to the Auditor by the county court clerk. That until such certificate is filed with the Auditor, the assessor shall not receive any part of his compensation.

1872.

§ 3. That section twelve of article nine of said chapter be so amended as to read: If there be no personal property which the sheriff or tax collector can distrain for taxes due, and the person owing the same shall fail to pay said tax by the first day of November, the sheriff or tax collector may levy on any real estate belonging to such delinquent tax payer, and sell so much thereof for cash in hand as will pay the taxes due and his commission, in the same manner as lands are sold under execution, except the land need not be valued. The owner of such real estate, his representatives, heirs, or assigns, shall have the right to redeem the same from the purchaser thereof by paying the purchase money, with interest at the rate of ten per cent. per annum, and twenty per cent. damages, at any time within two years from the day of sale. Any minor, married woman, or other person laboring under disability, shall have two years after the removal of the disability in which to make such redemption: *Provided*, That the committee or next friend of a person who is *non compos mentis* shall be allowed only five years from the day of sale, or two years after notice, in writing, by the purchaser, to redeem the same, though such disability shall continue longer. The notice aforesaid shall be returned by the officer executing it to the clerk of the county court, who shall record the same, with the return thereof, in a book to be provided and kept by him, and paid for out of the Treasury. The clerk shall be allowed a fee of twenty-five cents for recording the notice and return. Office copies of said record shall be evidence that the notice was given as authorized by this act. Any person whose land may be sold by virtue of this act may redeem the same within the time herein prescribed by tendering the purchase money, with interest and the damages, to the purchaser or his agent; or if he or his agent refuse to accept the same, or reside out of the county, or is absent therefrom, he may pay the amount to the clerk of the county court, and take his receipt for the same, which shall be a valid payment. It shall be the duty of the sheriff to give the purchaser a certificate of purchase, giving a description of the land purchased, quantity sold, and price for which it sold. The sheriff shall return a report in writing to the county court clerk's office, signed by him, within

See Stanton's Revised Statutes, vol. 2, p. 304.

Sheriff to levy on and sell real estate.

When and how redeemed.

Time allowed persons under disabilities to redeem.

Sheriff to give purchaser of land a certificate.

Sheriff to return report of sale to county clerk, and steps to be taken in order to redeem the land.

1872. twenty days after such sale, showing when the sale was made, and to whom, and for what price, and giving a description of the land sold as fully as he is able to do, which report shall be recorded by the county court clerk in a book to be provided by him for that purpose; and if the land shall be redeemed, as provided for by this act, the purchaser shall enter in the margin of said book, opposite the report, a release and satisfaction of his claim, or if the redemption money shall be paid to the clerk, he shall enter said release; and the clerk, for all his services, shall be paid twenty-five cents by the purchaser.

Sheriff to report to the county clerk all property omitted by assessor, and compensation for collecting same.

§ 4. That it shall be the duty of the sheriff to report to the county court clerks any and all lists of property omitted by the assessor, who shall enter the same on the assessors' books for his county, and certify the same to the Auditor on or before the 15th of December, in each year; and the said sheriff shall have, as compensation for said assessment, in addition to the fees now allowed by law, twenty-five per cent. on the taxes realized on said assessment.

Unlawful to receive tax before property is listed on assessor's book.

§ 5. That it shall be unlawful for any sheriff to receive taxes on property listed as provided for by the foregoing section, until the same has been entered upon the assessors' books, as provided in same section, and certified to the sheriff by said clerk; and for all violations of this section by sheriff or collector, they shall be fined not less than twenty-five dollars nor more than one hundred dollars, to be recovered by an indictment by the grand jury.

§ 6. That this act shall take effect from its passage, except so much thereof as relates to assessors, which shall not take effect until the first of June next.

Approved March 28, 1872.

CHAPTER 955.

AN ACT to change the time of holding the court of claims of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Carter.

§ 1. That hereafter the court of claims of Carter county shall commence on the second Mondays in January of each year, instead of the time now fixed by law.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 28, 1872.

CHAPTER 970.

1872.

AN ACT to pay military claims audited by the Quarter-Master General.

WHEREAS, The General Assembly, by acts approved February 17, 1866, March 9, 1867, and March 16, 1869, provided for the auditing of certain military claims against the State of Kentucky, with a view to their collection from the United States; and whereas, the Quarter-Master General has made report to this Legislature, at its present session, that there are claims now on file in his office, properly proven and authenticated as the said enactments require, amounting to the sum of four thousand seven hundred and sixty-eight (\$4,768 72) dollars and seventy-two cents, which is the full balance of all outstanding dues for military operations during the late civil war; therefore, in order to carry out the purposes of the above recited enactments of the General Assembly, and to pay off said claims, and thereby make an end to this class of indebtedness on the part of the State,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the public treasury in payment of said claims so reported by the Quarter-Master General: *Provided*, The same shall be paid out of the first moneys received from the United States on account of the war claims now due the State of Kentucky.

Claims to be paid out of first money received from United States.

§ 2. The Quarter-Master General is hereby directed to cause the said claims, when so paid, to be made up into an installment of the war claims, and presented to the General Government for reimbursement.

Approved March 28, 1872.

CHAPTER 975.

AN ACT to authorize chancellors to order survey of land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in actions in regard to the title to real estate, if the chancellor shall deem it indispensable to have a survey of said land, in order to equitably decide between the parties, he may order a survey to be made, in such manner as he may direct, and appoint such person or persons as he may deem best to make said survey.

When chancellor to order a survey of real estate.

§ 2. That said chancellor shall apportion between the parties to said action, as he may deem equitable, the cost of said survey, and enforce the payment thereof.

Costs.

1872.

§ 3. That all money thus paid shall be taxed as costs in the action, and be finally decreed to be paid in accordance with the equities of the parties to said action.

§ 4. This act shall take effect from and after its passage.

Approved March 28, 1872.

CHAPTER 982.

AN ACT to amend an act, entitled "An act to amend chapter eighty-four of the Revised Statutes, title 'Roads and Passways.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See Public
Acts adjourned
session of 1869-
70, p. 39.

Pulaski.

§ 1. That an act, entitled "An act to amend chapter eighty-four of the Revised Statutes, title 'Roads and Passways,'" approved February 20th, 1869, be, and the same is hereby, amended so as to make each and all of the provisions of said act applicable to, and in force in, the county of Pulaski.

§ 2. This act shall be in force from and after its passage.

Approved March 28, 1872.

CHAPTER 997.

AN ACT authorizing the Auditor to remit damages on delinquent property.

WHEREAS, A large amount of back taxes are due the Commonwealth upon real estate returned delinquent for a series of years, and subsequently forfeited to the State; and whereas, in many instances said real estate has passed into the hands of innocent purchasers, and some of it held and owned by extremely poor widows and orphan children, and to collect the whole amount of taxes due in such cases, with damages and costs, would work great hardship and wrong; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When and to
what extent
Auditor is to
remit damages.

§ 1. That the Auditor of Public Accounts is hereby authorized and empowered to remit all damages imposed on delinquent tax-payers, except ten per cent. per annum interest, and agents' commissions, when, in his judgment, it shall be just and proper to do so: *Provided, however,* That the damages shall be remitted in no case, except where the property has been returned delinquent three years prior to the application for remission.

§ 2. This act shall be in force and effect from its passage.

Approved March 28, 1872.

RESOLUTIONS.

No. 1.

RESOLUTION relating to the election of U. S. Senator.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the two Houses, in their respective chambers, and in the manner and form prescribed by law, will, on Tuesday, the 19th instant, at 12 o'clock, meridian, proceed to elect a Senator from the State of Kentucky, in the Congress of the United States, to succeed Hon. Garrett Davis, whose term of office expires on the 4th day of March, 1873.

1871.

Approved December 12, 1871.

No. 2.

RESOLUTIONS in regard to tax on cotton levied by the General Government.

WHEREAS, The tax upon cotton levied and collected by the Government of the United States during the years 1865, 1866, and 1867, was, in our judgment, most unjust and oppressive to the people of the cotton-growing States, in that it was a direct tax upon industry, and imposed upon them at a time when they were prostrated and impoverished by war and the attendant consequences; and whereas, the people of those States have, through their respective Legislatures and Chambers of Commerce, petitioned the Congress of the United States to authorize the refunding of this tax; and whereas, we believe the refunding of this, an unequal tax, levied, as it was, on the industry of a minority of the States, to be only a matter of even-handed but tardy justice to those with whom the people of this State are identified, as well by ties of blood as by common interest; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That we do most respectfully and earnestly memorialize the honorable the Congress of the United States to pass a law refunding to the people of the cotton-growing States the amount of taxes collected on cotton during the years 1865, 1866, and 1867.

2. That the Governor is hereby authorized and required to transmit a copy of this memorial to the Congress of

RESOLUTIONS.

1871. the United States, through our Senators and Representatives therein.

Approved December 16, 1871.

No. 3.

RESOLUTION in relation to congressional apportionment.

WHEREAS, The Congress of the United States is now engaged in fixing the ratio of congressional representation among the several States of this Union under the census report of 1870; and whereas, the State of Kentucky is entitled to an increase of her congressional representation under said report; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Speakers of both Houses of this General Assembly shall appoint a suitable committee, to be composed of not more than ten members of the Senate and the same number of the House, to act as a joint committee to apportion the State into as many Congressional Districts as she may be entitled to under the census report for 1870.

Approved December 16, 1871.

No. 4.

RESOLUTION providing for a recess of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That when this Legislature adjourns on the 20th day of December, 1871, it will adjourn to meet on the 9th day of January, 1872.

Approved December 16, 1871.

No. 5.

RESOLUTION in relation to a revision of the revenue laws.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a select committee, to consist of three Senators, be appointed by the Speaker of the Senate, to act in conjunction with a similar committee to be appointed by the Speaker of the House of Representatives, whose duty it shall be to revise the revenue laws and to take into consideration the finances of the State, and to report by bill or otherwise.

Approved December 20, 1871.

RESOLUTIONS.

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No. 6.

1871.

RESOLUTION in relation to the sale of the stock in turnpike roads.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Commissioners of the Sinking Fund are hereby requested to withhold all propositions for the sale of the State stock in turnpike roads in this Commonwealth.

2. That no proposition be consummated for the sale of the stock until final action is had by the General Assembly upon the bill just passed the Senate on that subject.

Approved December 20, 1871.

No. 7.

RESOLUTION in relation to the officers of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts shall draw his warrant on the Treasurer from time to time for the services rendered by the officers of the Senate and House of Representatives, including enrolling clerks: *Provided*, That the sum drawn for by them respectively shall not exceed two thirds of the sum allowed for similar services per day during the last session of the Legislature, computing the time from the time of the meeting of the General Assembly up to the time such warrant is drawn.

Approved December 20, 1871.

No. 8.

RESOLUTION in relation to the funeral of Mrs. C. S. Morehead.

Resolved by the General Assembly of the Commonwealth of Kentucky;

That both Houses of this General Assembly unite in paying respect to the memory of the late widow of the Hon. Charles S. Morehead, former Governor of this Commonwealth, by attending the funeral of the deceased, to take place in this city on Wednesday, December the 20th, 1871, at 3 o'clock, P. M.

Approved December 20, 1871.

1871.

No. 9.

RESOLUTION directing distribution of surplus funds in Bank of Kentucky.

WHEREAS, The fourteenth section of an act, entitled "An act to establish the Bank of Kentucky," approved February 22d, 1834, provides "that no dividend of the profits of said bank shall be declared until there shall be a surplus of twenty thousand dollars for each million of dollars of the capital stock of the bank actually paid in, and the surplus or contingent fund so raised shall never be reduced below that ratio on all stock paid for; and it shall be the duty of the president and directors of the principal bank, on the 1st Monday in January and July of each year, to declare a dividend of the profits over and above the contingent fund aforesaid among the stockholders, payable to them on demand, of which dividend, and the time and place of payment, notice shall be given;" and whereas, it appears from the semi-annual statement, made by the cashier of said bank, on the 30th June, 1871, and the report of Grant Green and John Rodman, the committee appointed by the Board of Commissioners of the Sinking Fund, made October 31st, 1871, that said bank has a surplus of \$571,976 35; that the capital stock of said bank is \$2,431,400; that the surplus, or contingent fund, now held by said bank exceeds the sum allowed by the charter by \$497,976 35, which sum of \$497,976 35 ought to be divided among the stockholders; and whereas, the State of Kentucky owns \$778,900 of the capital stock of said bank; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the president and directors of said bank be required, on the 1st Monday in January next, to declare a dividend of all the profits and surplus of said bank, over and above the contingent fund allowed by the charter as aforesaid, among the stockholders, payable to them on demand.

Approved December 30, 1871.

No. 10.

RESOLUTION in relation to disposition of State's stock in certain railroad companies.

WHEREAS, In the recent competition between the Pennsylvania Central and Chesapeake and Ohio Railroad Companies, for the control and purchase of the Louisville, Frankfort, and Lexington, and Louisville and Cincinnati Railroads, the president and directors of the Chesapeake and Ohio Railroad Companies have bound

themselves to take and pay for all the common stock in the above Kentucky railroads, at the rate of sixty-five cents on the dollar, payable in six, nine, and twelve months, with interest, if accepted on or before the 27th inst., it being over eighty per cent. on previous quotations for said stock. In order to secure the sale of the stocks at above rates, it is necessary that immediate action be taken on that subject; therefore,

1872.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioners of the Sinking Fund be, and are hereby, authorized and required to sell, before the 27th inst., to the Chesapeake and Ohio Railroad Company, the State interest in the common stock of the Louisville, Frankfort, and Lexington, and Louisville and Cincinnati Railroads, at sixty-five cents on the dollar, on six, nine, and twelve months' credit, with interest: *Provided*, That the two hundred and sixty shares of the preferred stock in said road shall not be sold for less than par, or its actual market value.

Approved January 11, 1872.

No. 11.

RESOLUTION directing the firing of salutes on the 8th January and 22d February, 1872.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Quarter-Master General be directed to order a salute to be fired on the 8th day of January, 1872, at 12 o'clock, M., in commemoration of the victory won at New Orleans; and that the Auditor be instructed to draw his warrant on the Treasurer for the expense attending the same; and also on the 22d February in honor of the Father of his Country, George Washington.

Approved January 13, 1872.

No. 12.

RESOLUTION on the death of Rev. R. J. Breckinridge.

WHEREAS, An inscrutable Providence has removed from his usefulness on earth Robert J. Breckinridge, D. D. LL.D; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That in the death of Dr. Breckinridge the church to which he belonged has lost one of its brightest and ablest

1872. ministers, the community a good and trusted member, the State one of her noblest and most honored sons, and the nation a talented and patriotic statesman.

2. That the deeds and example of a man so illustrious and eminent, and whose fame is commensurate only with the boundaries of Christian civilization, will live vividly through ages to come; and though no act of ours can add a moment to their longer perpetuation, yet as an evidence of respect to the memory of the deceased, these resolutions are directed to be spread upon the Journals of the Senate and House of Representatives, and a copy of the same forwarded to the family of the deceased.

3. That as a further mark of respect to the memory of the deceased this House do now adjourn.

Approved January 13, 1872.

No. 13.

RESOLUTION in regard to Public Printer and Public Binder.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of three from the House and two from the Senate be appointed to inquire into the expediency of reducing the compensation at present paid to the Public Printer and Public Binder, with power to send for persons and papers; and that they report by bill or otherwise on or before the 16th inst.

Approved January 18, 1872.

No. 14.

RESOLUTION providing pay of Pages and other employees of General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of the Sergeant-at-Arms of the Senate and House of Representatives, for an amount equal to two thirds of the per diem paid to the pages and other employees of the two Houses of the Legislature at its last session, which sums, when drawn, shall be applied to the payment of the pages and employees of the present Legislature.

2. That the foregoing resolution shall take effect from its passage.

Approved January 18, 1872.

RESOLUTIONS.

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No. 15.

1872.

RESOLUTION requesting Governor to return, unsigned, a certain bill.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee of two from the House and one from the Senate be appointed to wait on the Governor and request him to return to this House, unsigned, a bill which originated in this House, entitled "An act to amend the charter of the Owensboro and Russellville Railroad."

Approved January 18, 1872.

No. 16.

RESOLUTION in relation to the election of State Printer, Public Binder, and State Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the two Houses go into the election of State Printer, Public Binder, and State Librarian on the 23d inst., at 12 o'clock, M.

Approved January 23, 1872.

No. 17.

RESOLUTIONS on death of Hon. T. S. Fish.

WHEREAS, It has been made known to this General Assembly that the Hon. T. S. Fish, a member of the House of Representatives from the county of Boone, departed this life upon Saturday, the 27th inst., in the pride of his manhood and usefulness; and out of respect to his memory and many virtues, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That it is with unfeigned regret and sorrow that we, the members of this General Assembly, have heard of the death of the Hon. T. S. Fish, an event that carries sorrow to his many friends and deprives the State of a useful and honorable public servant.

2. *Resolved*, That the family of the deceased are tendered the deepest sympathy of the members of this General Assembly in this, their great bereavement.

3. *Resolved*, That as a further mark of respect to the memory of the deceased, that we will wear the usual badge of mourning for the period of thirty days.

RESOLUTIONS.

1872. 4. *Resolved*, That these resolutions be spread upon the Journal; and that a copy of the same be forwarded to his family by the Speaker of the House of Representatives; and that we do now adjourn.

Approved February 1, 1872.

No. 18.

RESOLUTION providing for an extension of the present session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the present session of the General Assembly be extended and continued beyond the term of sixty days.

Approved February 1, 1872.

No. 19.

RESOLUTION in regard to the public buildings.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor shall have the power to assign to the public officers of this Commonwealth such rooms in the public buildings as he may think proper.

Approved February 8, 1872.

No. 20.

RESOLUTION providing for an examination of the charitable institutions of the State.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a joint committee, composed of two members of the Senate and three of the House of Representatives, to be selected from the members at present composing the Committees on Charitable Institutions of the two Houses, to be appointed by the Speakers thereof, be, and they are hereby, directed to proceed to visit the several charitable institutions of this Commonwealth and examine into the present condition and management thereof; and they are hereby instructed to make a full and complete report of such visit of examination to their respective Houses by the 15th day of February next.

Approved February 8, 1872.

RESOLUTIONS.

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No. 21.

1372.

RESOLUTION calling on the Auditor for information relative to receipts and disbursements within a given period.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, requested and instructed to furnish to this General Assembly a statement, in gross, of the receipts and disbursements of the Treasury from, and including, 1860 to 1872, showing balance to the credit of the revenue at the end of each fiscal year within that period, and the comparative expense of administering the government of the State from year to year; and that he be further requested to report how much of the authenticated claim of the State of Kentucky against the General Government is withheld by the decision of the Secretary of the Treasury in relation to said claims. That the Auditor report the rate of taxation each year from, and inclusive of, the year 1860 to 1872; and if there was any material decrease of the aggregate value of the assessed property of the Commonwealth from 1862 to 1866, to inform the General Assembly of the cause thereof.

Approved February 9, 1872.

No. 22.

A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to secure an appropriation for locking and damming the Ohio river.

WHEREAS, The industrial and commercial interests of Kentucky, and other States bordering on the Ohio river, are being impaired by the long continued low water, which renders said river almost impassable for boats of the lightest draft during a great portion of the year; and whereas, the growing commerce of the country requires the full capacity of boats of the largest class at all seasons of the year to carry off the accumulating commerce to the markets of the country, in order to develop our wealth and supply the wants of the people; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators be instructed, and our Representatives in Congress requested, to use their influence to secure a survey and estimate of the costs of so improving the Ohio river by locks and dams as to secure the navi-

RESOLUTIONS.

1872.1 gation of said river at all seasons of the year by large class steamers.

2. That after said survey and estimates are made, if the cost is not too extravagant, that they use their influence to obtain an appropriation to accomplish the same.

Approved February 9, 1872

No. 23.

RESOLUTION directing appointment of a committee to visit Kentucky Agricultural College, at Lexington.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Speakers of the House of Representatives and Senate of Kentucky appoint a committee of three from the former, and two from the latter, to visit Kentucky Agricultural College, at Lexington, and ascertain if the contract between the Kentucky University and the State has been complied with, and whether it is desirable to take from that institution the agricultural funds of the State, and establish a State Agricultural College at that, or some other point, and report at an early day next week.

Approved February 14, 1872.

No. 24.

RESOLUTION directing distribution of Owen's Geological Survey.

WHEREAS, A large number of copies of Owen's Geological Survey of Kentucky are now held by the State, at a considerable expense to the State for storage room; and whereas, said books are valueless to any person in their present location, and subject to damage and loss:

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Secretary of State be, and he is hereby, instructed to deposit in the State Library, as many copies of Owen's Geological Survey of Kentucky, now on storage in Frankfort, as the Librarian has room for, and distribute the remainder of said books among the members of the present General Assembly—one half to each branch thereof.

Approved February 21, 1872.

RESOLUTIONS.

No. 25.

1872

RESOLUTION in relation to distillers, and the tax thereon.

WHEREAS, The distillers of spirits in the United States, and especially the distillers of Kentucky, were required by the Commissioner of the Internal Revenue to purchase what is commonly known as the "Tice metre," at enormous expense; and whereas, said metre proved to be utterly worthless for the purposes designed, and the money paid for said metres was therefore wrongfully caused to be paid; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That our Senators in Congress be instructed, and our Representative requested, to use all honorable means to have enacted a law, by which distillers may have refunded to them the amounts paid by them for the aforesaid metres.

2. That it is the sense of this General Assembly that the distiller of spirits should pay a tax only on the quantity of spirits actually distilled, and all laws contrary to this idea are oppressive and wrong, and that appropriate legislation to correct the laws in this regard is demanded.

3. That a copy of these resolutions be forwarded by the Governor to our Senators and members of the House of Representatives at Washington.

Approved February 24, 1872.

No. 26.

RESOLUTION in relation to the death of Daniel Clark, colored, known as the "Ancient Governor."

WHEREAS, Information has reached this General Assembly of the death of Daniel Clark, of color, generally known to the habitues of Frankfort, as well as to the thousands who have had occasion to visit the Gubernatorial Mansion during the past quarter of a century, as the "Ancient Governor;" and whereas, it is a well defined principle of moral ethics that there is no characteristic of humanity so deserving of both public and private recognition as fidelity to duty, no matter by whom performed; and whereas, the said deceased body-servant of so many, mostly dead and gone, Governors of this Commonwealth, gave, in his lifetime, a notable example to all men, white and black, of industry, society, courtesy according to his station, and integrity in office; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That this General Assembly is duly impressed with the

RESOLUTIONS.

1872. propriety of officially acknowledging its regard for the memory of the deceased "Ancient Governor," and that, in order to carry out this, its sense of what is decorous and right, the Clerks of both Houses of the Legislature are hereby directed to spread upon their respective Journals the above preamble and its accompanying resolution.

Approved February 28, 1872.

No. 27.

RESOLUTION directing Governor to cause the remains of late Governor Adair to be reinterred in Frankfort Cemetery, and to erect monuments over the graves of Governors Adair and Breathitt.

WHEREAS, The remains of the Hon. John Adair, once Governor of this Commonwealth, one of the first Senators in the Congress of the United States from this State, a member of the 22d Congress, and the commander of the Kentucky troops at the battle of New Orleans, under General Jackson, all which positions he filled with eminent distinction and success, lie buried in a private and unfrequented spot in Mercer county; and whereas, it is eminently proper and befitting that the same respect should be paid to his memory and distinguished services that have been paid to other illustrious Kentuckians; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That His Excellency, the Governor, be directed to have the remains of ex-Governor John Adair disinterred, and removed to the cemetery at Frankfort; and that he cause a suitable and appropriate monument to be erected to his memory in said cemetery.

2. *Resolved further*, That he cause a like monument to be erected over the remains of Governor John Breathitt, in the public cemetery at Russellville, Kentucky.

3. *Resolved*, That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for the amount of the expenses that may be incurred by the Governor in executing the duties imposed upon him by the foregoing resolutions.

Approved March 5, 1872.

RESOLUTIONS.

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No. 28.

1872.

RESOLUTION asking for information in regard to certain insurance companies.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioner of Insurance report to this General Assembly the following facts in regard to the Kentucky, Globe, and Hope Insurance Companies, if he has or can procure the necessary information:

1. The number of policies now outstanding in each company, and the amount of these policies.

2. The number of premium notes now held by each company, and the amount thereof.

3. When will these policies expire, and whether said policies are held by other than citizens of Kentucky; and if so, what proportion held by citizens of other States, and what States.

4. State the amount of money collected from policy-holders in each company since the appointment of receivers.

5. State the amount of money paid the clerk of the Louisville chancery court at each assessment on each policy in each company aforesaid, and the aggregate paid him by each company.

6. State the losses adjusted and unpaid at the time the receivers were appointed.

7. State the number of calls upon the policy-holders, and the amount of the last call on the same.

8. State the losses incurred by each company since the receivers were appointed.

9. State the amount paid the policy-holders for losses since the receivers were appointed, and post-office address of each.

10. State the amount paid to lawyers and other persons not policy-holders, giving their names.

11. State amount of money now in the hands of receivers of each company.

12. State the losses now adjusted but not paid, and the post-office address of such policy holder.

13. State what amount has been collected by execution, and the amount collected otherwise by each company.

14. State whether the policies of the said policy-holders in said companies as aforesaid have been cancelled by order of the Louisville chancery court, and if so, when.

15. State whether the said court, by a subsequent order, has attempted to set aside the former order of said court canceling of said policies, and when the last order was made.

Approved March 6, 1872.

1872.

No. 20.

RESOLUTIONS in regard to navigation of the Ohio and other Western rivers.

WHEREAS, There has been introduced into the Congress of the United States a bill to extend the jurisdiction of the Light-house Board, which is in language as follows:

"§ 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the jurisdiction of the Light-house Board, created by the act, entitled 'An act making appropriations for light-houses, light-boats, buoys, &c.,' approved August thirty-one, eighteen hundred and fifty-two, is hereby extended so as to include the Mississippi river, from St. Paul to its mouth, the Missouri river, from Sioux City to its mouth, and the Ohio river, from Pittsburg to its mouth; and the said Board is hereby required to arrange these rivers into one or more Light-house Districts, to be in all respects on the same footing as the existing Light-house Districts; and to take the proper means to supply these rivers with such lights, buoys, channel-marks, and other aids to navigation, as may be necessary for the security of commerce.

"§ 2. *And be it further enacted,* That the sum of one hundred thousand dollars is hereby appropriated to carry out the provisions of this act."

Therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That, appreciating the enormous value of the commerce of the Ohio and other Western rivers, being in amount at least three times that of our entire foreign trade, we deem it the duty of Congress to afford it all the protection and safeguards within its power. That a thorough system of lights, buoys, and channel-marks, as proposed in the above recited bill, could not fail to be of great service, and be the means of saving much property and many valuable lives.

2. That we request our Senators and Representatives in Congress to aid, by their votes and all honorable means, in the passage of the above bill.

3. That the Governor be, and he is hereby, requested to transmit a copy of the foregoing to each of our Senators and Representatives in Congress.

Approved March 18, 1872.

RESOLUTIONS.

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No. 30.

1872.

RESOLUTION directing Auditor to draw his warrant on the Treasury for sundry sums of money.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts be directed to draw his warrant on the Treasury in favor of Geo. N. Brown, for the sum of thirty-two dollars; and in favor of Jacob Rice for the sum of thirty-two dollars; in favor of W. W. Montague for the sum of twenty-six dollars; in favor of A. H. Keener for the sum of twenty-six dollars; in favor of M. L. House for the sum of twenty-six dollars; in favor of M. F. Hampton for the sum of twenty-six dollars; in favor of O. C. Bowles for the sum of twenty-five dollars; in favor of Stephen Weathercutt for the sum of twenty-eight dollars; and in favor of Elias P. Davis for the sum of twenty-five dollars. The said sums to be paid out of any money in the Treasury not otherwise appropriated.

Approved March 18, 1872.

No. 31.

RESOLUTION for the benefit of B. E. Woodworth.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the Auditor of Public Accounts draw his warrant upon the Treasurer of this State, in favor of B. E. Woodworth, for a sum equal in amount, except for stationery, to that drawn by T. J. Walker, as late Representative to this House; said sum being in consideration of his having, with just cause, contested the right of the said Walker to a seat in this body.

Approved March 21, 1872.

No. 32.

RESOLUTION in relation to the adjournment of the present General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That when this General Assembly adjourns on the 26th day of March, 1872, that it adjourn to meet again on the 7th day of January, 1873, at 12 o'clock, M.

Approved March 25, 1872.

RESOLUTIONS.

1872.

No. 33.

RESOLUTION extending the present session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That so much of the joint resolution heretofore adopted fixing the 26th inst. as the time for the adjournment of this session of the General Assembly be rescinded; and that when the General Assembly adjourns on the 28th inst. at 1 o'clock, P. M., it will then adjourn to meet at the time fixed in said joint resolution.

Approved March 26, 1872.

No. 34.

RESOLUTION extending present session of the Legislature.

WHEREAS, It is now evident that, by reason of the great number of bills in the hands of the enrolling clerks for examination, which cannot reach the Governor for his approval or rejection within the time prescribed for the adjournment of this General Assembly; now, therefore, that time may be given to complete and perfect such acts as may have passed, and are only awaiting the approval of the Governor,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That so much of the joint resolution heretofore adopted as fixes this day at 1 o'clock, P. M., for an adjournment of the session, be rescinded; and that the session shall be extended and continued until the 29th March, 1872, at 1 o'clock, P. M., and to meet again on the 7th January, 1873, at 12 o'clock, M.

Approved March 28, 1872.

No. 35.

RESOLUTION to print and distribute, in pamphlet form, the general laws passed at the present session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Public Printer is hereby directed, immediately after the adjournment of this General Assembly, to print, in pamphlet form, properly indexed, a sufficient number of the general laws passed at this session to furnish the Governor and each head of the State department, the State Librarian, and each Judge of the Court

of Appeals, of the circuit courts, common pleas courts, chancery courts, criminal courts, and county courts, and the clerks of said courts, the Attorney General, each Commonwealth's Attorney, and county attorneys, sheriffs, and police judges, and each member of the General Assembly, and the Clerks and Assistant Clerks, Sergeants-at-Arms, and Door-keepers, one copy each of said laws; and mail the same, post-paid, to the above named officers and persons, the postage to be paid by the Treasurer, upon the warrant of the Auditor, to be drawn upon the certificate of the Public Printer as to the amount.

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2. That this resolution shall be in force from its passage.

Approved March 28, 1872.

No. 36.

RESOLUTION in relation to a uniform tax on tobacco by the Federal Government.

WHEREAS, The Committee on Ways and Means in House of Representatives, in the Congress of the United States, are now engaged in considering the propriety of a uniform tax on manufactured tobacco; and whereas, such a tax, if fixed at over sixteen cents per pound, would be ruinous to the producers of leaf tobacco in Kentucky, as it would almost destroy the sale in this country of all the low and medium grades now used for manufacturing smoking tobacco, and throw these grades into the hands of foreign buyers at a very low price, competing and bringing down the price of the grades now being exported; therefore, be it

Resolved, That our Senators and Representatives in Congress be requested to vote and use their influence against any uniform tax on manufactured tobacco, unless the tax is fixed as low as sixteen cents per pound, and to vote and use their influence to prevent any increase on the present tax on smoking tobacco, now fixed at sixteen cents per pound.

Approved March 28, 1872.

No. 37.

RESOLUTION in relation to the Louisville and Portland Canal.

WHEREAS, All the stock in the Louisville and Portland Canal belongs to the United States Government, except five shares, owned by the Directors of the Louisville and Portland Canal Company; and said directors, under the

1872.

authority of the legislation of Kentucky and the United States, executed a mortgage to secure bonds named in said mortgage, some of which are out and unpaid; and said Canal Company may owe other debts; and whereas, it is right and proper that the Government of the United States should assume the control and management of said canal; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the President and Directors of the Louisville and Portland Canal Company are hereby authorized and directed to surrender the said canal, and all the property connected therewith, to the Government of the United States, upon the following terms and conditions:

1. That the Government of the United States shall not levy tolls upon said canal, except so much as may be necessary to keep the same in repair, pay all necessary superintendence, custody, and expense, and make all necessary improvements.

2. That the city of Louisville shall have the right to throw bridges over the canal at such points as said city may deem proper: *Provided always*, That said bridges shall be so located as not to interfere with the use of the canal, and so constructed as not to interfere with its navigation.

3. That the title and possession of the United States of said canal shall not interfere with the right of the State to serve criminal and civil processes, and with the State's general police powers over the territory covered by the said canal and appendages.

4. And further, that the city of Louisville shall at all times have the right of drainage into said canal: *Provided*, That the connections between the drains and canal shall be made upon the most approved plan to keep out mud and garbage.

5. That the use of the water power of said canal shall be guaranteed forever to the actual owners of property contiguous to said canal, its branches and dams, subject to such restrictions and regulations as may be made by the Secretary of that department of the United States Government which may have charge of the said canal.

6. That the Government of the United States shall, before such surrender, discharge said mortgage, and pay all debts due by the said Canal Company, and purchase the stock of said directors.

Approved March 28, 1872.

RESOLUTIONS.

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No. 38.

1872.

RESOLUTION for benefit of W. H. Stanley.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of W. H. Stanley, for the sum of ninety-eight dollars, which the Treasurer is hereby directed to pay to said Stanley, out of any money in the Treasury not otherwise appropriated.

2. This resolution shall take effect from and after its passage.

Approved March 27, 1872.

No. 39.

RESOLUTION directing Public Printer to print synopsis of public acts, &c.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer print five thousand copies of a synopsis of the acts of the present General Assembly; and that he forward the same by mail to the members of the Senate and House of Representatives.

Approved March 28, 1872.

No. 40.

A RESOLUTION amendatory of a resolution on the death of Charles S. Morehead, approved February 18, 1869.

WHEREAS, A resolution was adopted by this General Assembly, approved February 18th, 1869, directing the Governor to cause an appropriate monument to be erected over the remains of Charles S. Morehead, formerly Governor of Kentucky, in the cemetery near Frankfort; and whereas, by some oversight or mistake, the yeas and nays were not called on the passage of said resolution, as required by the Constitution, and in consequence of which the Governor did not have said monument erected; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of Kentucky be authorized and directed to cause a suitable and appropriate monument to be erected over the remains of Charles S. Morehead, formerly Governor of Kentucky, in the cemetery near Frankfort; and that it shall be the duty of the Auditor of Public

1872. Accounts to draw his warrant on the Treasurer for the amount of the cost of said monument when it shall be completed; and the Governor shall certify to him the cost of the same: *Provided*, The cost of said monument shall not exceed twelve hundred dollars (\$1,200).

Approved March 28, 1872.

No. 41.

RESOLUTION providing for the purchase of a library for the Kentucky Penitentiary.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of two hundred and fifty (\$250) dollars be, and is hereby, appropriated for the purpose of purchasing suitable educational, moral, historical, religious books for the use of the convicts confined in the Kentucky penitentiary, for which sum the Auditor of Public Accounts will issue his order on the Treasurer, payable to the Chaplain of the prison (J. K. P. South), S. C. Bull, S. J. Dodd, and H. B. Lyon, who are hereby charged with the duty of selecting and purchasing such suitable books as aforesaid, a list of which, with the cost thereof, they will report to the Auditor. The books so purchased shall be used by the prisoners, under the supervision and direction of the Chaplain.

Approved March 28, 1872.

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LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE
GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE FOURTH
DAY OF DECEMBER, 1871.

P. H. LESLIE, *Governor.*

JOHN G. CARLISLE, *Lieut. Gov'r and Speaker of Senate.*

JAMES B. McCREARY, *Speaker of the House of Reps.*

A. J. JAMES, *Secretary of State.*

JOHN RODMAN, *Attorney General.*

CHAPTER 2.

AN ACT for the benefit of the city of Lexington, the county of Fayette,
and the Elizabethtown, Lexington, and Big Sandy Railroad Company.

1871.

WHEREAS, The county of Fayette and city of Lexington have each subscribed for two hundred and fifty thousand dollars of the capital stock of the Elizabethtown, Lexington, and Big Sandy Railroad Company, in pursuance of the provisions of the charter of said company, and of the votes of a majority of the voters of said county and of said city, each of which subscriptions of stock are payable with the bonds of said county and of said city for the amount subscribed, bearing interest at the rate of six per cent. per annum, payable semi-annually, and the principal payable in equal installment at one, two, and three years

1871. from date, and both principal and interest payable in the city of New York; and whereas, the county court of Fayette county, and the mayor and council of the city of Lexington, have each requested the president and directors of the Elizabethtown, Lexington, and Big Sandy Railroad Company to extend the period of payment of the principal of the bonds to be respectively issued to said company by said county and city, so that the principal be payable in five equal annual installments of fifty thousand dollars each, instead of three annual installments of sixty-six thousand six hundred and sixty-six and two thirds dollars each; and said president and directors have consented thereto, provided the change should be fully legalized by the General Assembly of the State of Kentucky; and the said county and city desire the legalization of the bonds so to be issued by them respectively in five equal annual installments; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may issue bonds
to pay sub-
scription.

§ 1. That the county court of Fayette county is hereby authorized to issue bonds of the county of Fayette to the amount of two hundred and fifty thousand dollars, in sums of one thousand dollars each, with interest thereon from date at the rate of six per cent. per annum, the interest payable semi-annually in New York on the presentation of interest warrants or coupons to be attached to, and issued with, said bonds, and the principal payable in five equal annual installments of fifty thousand dollars each, the first installment payable one year after the date of the said bonds, and the last installment five years after said date, on the presentation of the bonds in the city of New York at a bank fixed by said court in said bonds, in payment of the aforesaid subscription of the county of Fayette, which bonds shall be binding upon so much of said county as is outside of the limits of the city of Lexington, and payable by a tax on the taxable property of the county outside of said limits; and the mayor and council of the city of Lexington shall be, and are hereby, authorized to issue to the Elizabethtown, Lexington, and Big Sandy Railroad Company the bonds of the city of Lexington to the amount of two hundred and fifty thousand dollars, in sums of one thousand dollars each, with interest thereon from date at the rate of six per cent. per annum, the interest payable semi-annually in New York on the presentation of the interest warrant or coupons to be attached to, and issued with, said bonds, and the principal payable in five equal annual installments of fifty thousand dollars each, the first installment payable one year after the date of the bonds, and the last five years after said date, upon the presentation of the bonds in the

Mayor & coun-
cil may also is-
sue bonds for
same purpose.

city of New York at a bank designated in said bonds by said mayor and council, in payment of the subscription of the city of Lexington aforesaid.

1871.

§ 2. This act shall be in force from its passage.

J. B. McCREARY,

Speaker of the House of Representatives.

WILLIAM JOHNSON,

Pro tem. Speaker of the Senate.

Approved December 9th, 1871.

P. H. LESLIE.

By the Governor :

A. J. JAMES, *Secretary of State.*

CHAPTER 3.

AN ACT for the benefit of Wm. R. Patterson, of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the production of the certificate of the county court of Bath county, that Wm. R. Patterson, jr., is a person of honesty, probity, and good demeanor, to any two judges of the Court of Appeals, or any two circuit judges, they may examine said Patterson touching his qualifications as a lawyer; and if thereupon they believe that he is qualified to practice as an attorney at law, they shall grant him a license accordingly; and after being so licensed, he shall be authorized to practice law in the courts of this Commonwealth, as if of the full age of twenty-one years : *Provided*, That he shall be responsible for all his contracts, and the performance of his duties as an attorney at law, as if of full age.

§ 2. This act shall be in force from its passage.

Approved December 12, 1871.

CHAPTER 4.

AN ACT for the benefit of Geo. R. Lewis, jr.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the production of the certificate of the county court of Barren county, that Geo. R. Lewis is a person of honesty, probity, and good demeanor, to any two judges of the Court of Appeals, or any two circuit judges, or a circuit judge and the judge of the court of common pleas of Warren county, they may examine said Lewis thoroughly, touching his qualifications as a lawyer,

1871. and if thereupon they believe that he is qualified to practice as an attorney at law, they shall grant him a license accordingly; and after being so licensed he shall be authorized to practice law in the courts of this Commonwealth, as if of the full age of twenty-one years: *Provided*, That he shall be responsible for all his contracts, and the performance of his duties as an attorney at law, as if of full age.

§ 2. This act shall be in force from its passage.

Approved December 12, 1871.

CHAPTER 5.

AN ACT for the benefit of J. F. Dempsey, of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when James F. Dempsey, of the county of Hopkins, and State of Kentucky, shall have been examined in the proper manner touching his qualifications to practice as an attorney at law in all the inferior and superior courts of this State, and found qualified, so far as relates to his practicing law, he is freed from all the disabilities of infancy, subject, however, to all the liabilities, in the discharge of the duties of said office, that a man twenty-one years old would be.

§ 2. This act to take effect from and after its passage.

Approved December 16, 1871.

CHAPTER 6.

AN ACT to amend the charter of the New Providence and Princeton Railroad Company, approved March 12, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of said act be so amended that the name and style of said company shall hereafter be the "Clarksville and Princeton Railroad Company."

§ 2. That said railroad company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions, to be paid in land, at a valuation to be fixed by the officers of said company and said subscribers, and may lease, or sell and convey, any land so given or subscribed.

§ 3. That the said Clarksville and Princeton Railroad Company shall have power to consolidate with any other railroad company running through the same counties, or

Name of corporation changed.

May receive subscriptions or donations.

May consolidate with other roads.

any railroad company within the State of Tennessee, on such terms as may be agreed upon between the contracting parties; such consolidation in no way to affect or impair the jurisdiction of the courts of this Commonwealth over said railroad company.

1871.

§ 4. That any town, city, corporation, or county, or justices' district, through or near which said road may run, is hereby enabled and empowered to subscribe for stock in said company upon the following terms, viz: Said stock shall be subscribed by said town, city, corporation, county, or district, upon the consent of a majority of the votes therein; said election to be petitioned for by said president and directors, and may be held when ordered by the trustees of said town, the mayor and council of said city, and the majority of the justices of said county; said election shall be held as the election for town officers is held in said town, as the election for city officers is held in said city, and as the election for justices is held in said districts, giving thirty days' notice of said election in each instance; and when it shall have been ascertained that a majority of the legal votes of said county, city, town, or corporation were in favor of the subscription of stock to said railroad company, it shall then be the duty of the county judge of said county, the mayor of said city, the trustees of said town, to issue the bonds of said county, city, town, or justices' district, bearing an interest not less than six per cent., and not more than ten per cent. per annum, payable semi-annually in New York city, to be issued within sixty days after said election; and when issued, to be delivered to the president of said company.

Towns, cities, or precincts may subscribe to stock.

§ 5. That sections sixteen, seventeen, and eighteen of an act, entitled "An act to incorporate the Louisville and Chattanooga Grand Trunk Railway," approved March 1, 1870, be, and the same is hereby, made a part of this act.

§ 6. This act to take effect from its passage.

Approved December 16, 1871.

CHAPTER 7.

AN ACT to amend the charter of the Brooksville and Rock Spring Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said charter be so amended as to authorize the company of said turnpike road to erect a toll gate at

1871. a distance of one hundred yards less than one mile from the town of Brooksville.

§ 2. This act shall take effect from its passage.

Approved December 16, 1871.

CHAPTER 8.

AN ACT to regulate the times of holding the Caldwell quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the quarterly courts in and for Caldwell county shall be begun and held on the second Mondays in the months of January, April, July, and October, respectively, instead of the times now fixed by law; and said court shall, at each term, continue in session until its business shall have been completed. That all process heretofore issued to January term, 1872, of said court, shall be returnable at the time fixed by this act.

§ 2. This act shall be in force from and after its passage.

Approved December 16, 1871.

CHAPTER 9.

AN ACT to amend the charter of the Paducah, Benton, and Murray Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

May establish
and run a ferry,
upon license by
county court.

§ 1. That the charter of the Paducah, Benton, and Murray Gravel Road Company be, and the same is hereby, so amended that it shall be lawful for the McCracken county court to grant, and for said company to receive from said court the grant or license to have, hold, and keep a ferry across Clark's river, in McCracken county, where the gravel road of said company crosses said river; but such grant shall not be for a longer term than four years; and the charges for ferrriage over said stream shall be regulated and fixed by the McCracken county court; and said company shall have all the rights of a natural person as to the ownership and profits of said ferry; and shall be under like responsibilities as provided by the general laws of this Commonwealth.

§ 2. Said company, if necessary, shall have the power to cause to be condemned sufficient ground, on either bank of the river, for purposes of the ferry, under the same rules as prescribed in like cases by the general laws of this Commonwealth.

§ 3. Said company may establish the toll-gate at any place between Island creek and Clark's river. 1871.

§ 4. This act shall take effect from its passage.

Approved December 16, 1871.

CHAPTER 10.

AN ACT authorizing the recording of plats of Briensburg and Calvert City, in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Marshall county be, and the same is hereby, authorized and empowered to order and have recorded, in the county court clerk's office of said county, a plat of the town of Briensburg, and also a plat of the town of Calvert City, when the same shall be presented by the trustees of said towns, provided such plats shall, in the opinion of the court, correctly give the metes and bounds of said towns; the quantity of land embraced therein; the size and boundaries of the lots; and the length, width, and course of the streets and alleys, each lot therein being numbered, and each street named.

§ 2. This act shall take effect from its passage.

Approved December 16, 1871.

CHAPTER 11.

AN ACT discontinuing so much of the public road leading from Bardstown to Elizabethtown as lies within one mile of Bardstown.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that the Bardstown and Ceder Creek Turnpike Road is completed and open to travel thereon for the distance of more than two miles next to Bardstown; and the public road leading from Bardstown to Elizabethtown is, on account of the construction of said turnpike road, no longer used as a public highway within one mile of the town of Bardstown; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the public road leading from Bardstown to Elizabethtown as lies within one mile of Bardstown be, and the same is hereby, discontinued.

§ 2. This act shall be in force from its passage.

Approved December 16, 1871.

1871.

CHAPTER 13.

AN ACT for the benefit of Richard W. Neeley.

WHEREAS, It is represented by Richard W. Neeley, of Simpson county, that the remains of not exceeding three persons are interred on his farm, whereon he now resides; and whereas, he proposes, at his own cost and expense, to remove the same, and reinter them in the Green Lawn Cemetery, in and near Franklin, Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard W. Neeley be, and he is hereby, authorized to remove the remains of the deceased persons interred on his farm, provided he will reinter the same in the Green Lawn Cemetery neatly, and at his own expense; and also, at his own expense, re-erect the monuments now used.

§ 2. This act to take effect from its passage.

Approved December 20, 1871.

CHAPTER 14.

AN ACT to repeal an act, entitled "An act to repeal the court of common pleas in the counties of Hickman, Fulton, Graves, and Marshall, in the first judicial district," approved February 22, 1871, so far as it applies to Hickman county, and to re-enact an act, approved February 5, 1867, creating the court of common pleas in the first, third, and fourteenth judicial districts, so far as it relates to Hickman county, in the first judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act creating
court of com-
mon pleas in
Hickman coun-
ty re-enacted.

§ 1. That an act, entitled "An act to repeal the court of common pleas in the counties of Hickman, Fulton, Graves, and Marshall, in the first judicial district," approved February 22, 1871, so far as it applies to Hickman county, be, and the same is hereby, repealed, and that an act, approved February 5, 1867, creating the court of common pleas in the first, third, and fourteenth judicial districts, so far as it relates to Hickman county, in the first judicial district, is hereby re-enacted.

Clerk of cir-
cuit court to
transfer causes
to court of com-
mon pleas.

§ 2. That the clerk of the circuit court of Hickman county shall, on the first Monday in February, 1872, transfer from the circuit court of Hickman county all common law and equity business, by suit, motion, or bonds to suspend the sale of property taken under execution, attachment, or distress warrant for rent, which shall, at that time, be pending and undetermined in the circuit court of said county, to the court of common pleas of said county: *Provided*, That any suit, motion, appeal, or proceeding in the circuit court of said county, in which

a motion for a new trial shall be then pending, shall be exempted from said transfer.

1871.

§ 3. That the court of common pleas in Hickman county shall commence on the third Monday in June and December, and continue each term twenty-four juridical days, if the business of the court requires it.

Time of holding and term of said court.

§ 4. That the judge of the court of common pleas in said county of Hickman may call a term of said court in February or March, 1872, to try such cases as may be ready for trial, and continue in session not exceeding eighteen juridical days.

Judge may call a term.

§ 5. All acts or parts of acts coming in conflict with this act are hereby repealed.

§ 6. This act to take effect from and after its passage.

Approved December 20, 1871.

CHAPTER 15.

AN ACT to incorporate the Lewisburg and Taylor's Mill Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John N. Owens, Wm. Booton, Marshall Lee, Thomas J. Calvert, Nathaniel King, and Enoch Berry, of Mason county, and their associates and successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession.

Corporators' names.

§ 2. The business of said corporation shall be to construct and operate a turnpike road in the county of Mason, from the Maysville and Mount Sterling Turnpike Road, commencing at a point near the town of Lewisburg; thence to Taylor's old mill, on the North Fork of Licking river.

§ 3. Said company shall have all the usual and general powers granted to incorporations of the sort, and shall be called and known as the "Lewisburg and Taylor's Mill Turnpike Road Company."

Corporate powers.

§ 4. The capital stock of said company shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each; and such subscriptions of stock as have already been made to said capital, are hereby declared to be valid; and said company may hereafter, at any time and place, open books and receive additional subscriptions to the capital stock of said company. The Mason county court, on behalf of the county, may subscribe to the capital stock of said company such sum as the court in its discretion, at its regular levy court, may deem proper.

Capital stock.

§ 5. Said company shall, in all respects, in the construction and operating of said road, and the collection of tolls

May open books and receive subscriptions to stock.

1871. thereon, be governed by the general laws of this Commonwealth upon that subject.

Board of directors — when and how chosen

§ 6. A board of directors for the management of the affairs of said company shall be annually elected by the stockholders of said company. It shall consist of four persons, one of whom shall be styled the president of the board, chosen by the stockholders at said annual election.

Directors to appoint all officers.

§ 7. The board of directors may appoint any other officers they may deem necessary, and prescribe their duties; Said board shall have power to pass and enforce such by-laws, for the good order and government of said company, as they may deem expedient, not inconsistent with Constitutions and laws of the United States and the State of Kentucky.

§ 8. This act shall take effect from and after its passage.

Approved December 20, 1871.

CHAPTER 16.

AN ACT to provide for the removal and relocation of the county seat of Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon application, county judge to cause the sense of the voters of Meade county, on removing the county seat, to be taken.

§ 1. That the qualified voters of the county of Meade shall have the right to vote as to whether the county seat of said county shall or not be moved from its present location, at Brandenburg, to some other point in said county, in the manner hereinafter provided; and on the application of John Crutcher, David Vanmeter, Wm, Wright, Thomas Brashear, and T. J Gough, to the county judge of said county, it shall be his duty to enter upon the order-book of said county court an order that an election be held at the various voting precincts in said county, at the usual places of voting therein, on a day to be named in said order, not less than thirty nor more than sixty days from the date of said order; and in said order the following proposition shall be submitted to the qualified voters of said county, viz: Are you in favor of removing the county seat of Meade county from its present location, or for its remaining at the town of Brandenburg, where it is now located?

County judge to appoint officers of election.

§ 2. That for the purpose of conducting the election contemplated in this act, it shall be the duty of the county judge of said county to appoint judges, clerks, and officers of said election, and in the same manner now prescribed by law for holding general elections for State and county officers, which judges, clerks, and officers shall have the same qualifications, and take the same oath, now pre-

scribed by law in general elections. The poll-books shall be returned to the county court clerk's office, as now required by law in general elections; and on the fourth day thereafter, unless the same happens to be on Sunday, and if so, then on the succeeding day, it shall be the duty of the board of examiners of said county to open said poll-books and compare the vote, and certify the same, as now required by law in general elections, and declare whether said proposition has been carried or not by a majority of the votes cast.

1871.

§ 3. When it is decided by a majority of the qualified voters of said county voting, that said county seat shall be moved from the town of Brandenburg, it shall then be the duty of John Crutcher, William Bicket, Wm. Wright, Thomas Brashear, and T. J. Gough, who are appointed commissioners for that purpose, a majority of whom may act, to select a suitable point or place in said county for the location of said county seat, which commissioners shall report their proceedings, in writing, to the presiding judge of said county, whose duty it shall be to cause the same to be entered on the order-book of said county court; and within ten days after the filing of said report by the said commissioners it shall be the duty of said county judge to make an order directing that another election be opened and held at the various voting precincts in said county, and to be held in the same manner as directed in the second section of this act; in which order of submission the following question shall be submitted to the qualified voters of said county, viz: "Are you in favor of confirming and adopting the report made by the commissioners mentioned in this act, as to the place selected by them for the location of the new county seat, mentioned in said report?" and if, upon a comparison of the votes cast, it shall be ascertained that a majority of the qualified votes cast in said election have voted to ratify and confirm the said report, then it shall be the duty of the county judge and justices of the county to procure suitable grounds, by purchase or otherwise, for the erection of all necessary public buildings at the place or point so selected by said commissioners, as hereinafter directed.

Commissioners appointed to select a new location, and report to county court.

Election as to acceptance of new location to be ordered.

If voters confirm action of commissioners, county court shall procure necessary grounds, &c., at new location.

§ 4. Before any election shall be held under the provisions of this act, a copy of the order authorizing and directing the same shall be posted up in at least three public places in each voting precinct in said county, the copies to be furnished by the county court clerk to the sheriff of the county, and by him, or his deputy, posted up in said precincts at least thirty days before any such election shall be held, and for which service the clerk and sheriff shall receive a reasonable compensation, to be paid out of the county levy.

Notice of all elections to be given.

1871.

§ 5. When it is decided by a majority of the qualified voters of said county voting, to remove the county seat from its present location, and the place of location is selected and confirmed, as provided in this act, it shall then be the duty of the county judge of said county to convene all of the justices of the county, at the courthouse in Brandenburg, on a day to be fixed by him not less than twenty nor more than thirty days after the ratification of said commissioners' report, whose duty it shall be to procure suitable and sufficient lands upon which to erect the necessary public buildings for said county seat, and may make contracts with the owners of such lands as to the price and terms of payment, and for the purpose of meeting the payment of the same may levy an ad valorem tax upon all the taxable property of said county under the the general laws of the State; and also may levy a poll tax on each tithe in said county: *Provided*, That the ad valorem tax shall not exceed in any one year more than thirty cents on the one hundred dollars.

County court may levy tax to pay purchase money of new grounds, &c.

The said county court, not less than one year thereafter, shall also have the power to levy and collect an ad valorem tax and poll-tax, in the manner above prescribed, for the purpose of erecting and paying for the necessary public buildings, which, in the former, shall not exceed thirty cents on the one hundred dollars, and on the tithe shall not exceed in any one year more than five dollars on the head. In the erection of said buildings the county court may employ such architects, artisans, and others, as they may think proper, and agree with and fix the compensation of such laborers and employers, and provide for their payment out of the fund to be raised under the provisions of this act.

County seat to remain at Brandenburg until new buildings are ready for use.

County court may receive donations of land, &c.

§ 6. The county seat of said county shall be continued and held at its present location until, in the judgment of the county court, the new buildings are in proper condition for occupancy, and shall then order the removal of all the public records and offices thereto. The county court may receive donations of property, either real or personal, for the purposes contemplated in this act; and the conveyance of all real property procured by purchase or donation under this act shall be made to the county judge of Meade county and his successors in office, for the use of said county.

May sell and dispose of old county buildings.

§ 7. The said county court shall have the power to sell or dispose of any or all of the public buildings or property owned by the county in the town of Brandenburg, upon such terms and conditions as the court, in its judgment, may think best, and apply the proceeds to such county purposes as in their opinion will best promote the interest of the county.

§ 8. The elections authorized under this act shall be held in the year 1872. 1871.

§ 9. This act shall take effect from its passage.

Approved December 20, 1871.

CHAPTER 17.

AN ACT to amend an act, entitled "An act for the benefit of Lincoln county," approved March 8, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Lincoln county," approved March 8, 1871. be, and the same is hereby, so amended as to authorize the county court of Lincoln county to issue the bonds of said county for an amount not exceeding eleven thousand dollars, to enable said county court to pay for the erection of fire-proof vaults, and to remodel the court-house, which will be six thousand dollars more than was authorized by the law to which this is an amendment: *Provided*, Said bonds may be paid off and discharged by said county court at any time, not exceeding ten years from the date of their issue, that the court may deem proper.

§ 2. That the interest provided for in the act to which this amendment shall be paid annually on all the bonds issued by said court, for the purposes above set forth, at the National Bank of Stanford, Kentucky, on the 1st day of January of each year, until said bonds are paid off.

§ 3. That the bonds to be issued under and by authority of this, and the act to which this act is an amendment, shall have interest coupons attached to the margin of each bond for each year that such bonds may have to run.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved December 20, 1871.

CHAPTER 18.

AN ACT to change the time of holding the April term of the Whitley quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the April term of the Whitley quarterly court shall begin on the first Monday in said month, instead of the fourth Monday of said month, as now provided by law.

1871. § 2. This act shall be in force from and after its passage.

Approved December 20, 1871.

CHAPTER 20.

AN ACT to fix the time of holding the Montgomery circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Montgomery circuit court shall be held, instead as is now fixed by law, on the second Monday in February, and continue eighteen juridical days, and on the third Monday in August, and continue twelve juridical days.

§ 2. This act shall take effect from and after July 1, 1872.

Approved December 20, 1871.

CHAPTER 21.

AN ACT for the benefit of James Rhey Boyd, empowering him to obtain license to practice law as if of full age.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for James Rhey Boyd to obtain license to practice law the same as if he were now twenty-one years of age: *Provided*, That said James R. Boyd shall be responsible and bound for all his acts and contracts as an attorney-at-law to the same extent as if he were of full age.

§ 2. This act shall take effect and be in force from and after its passage.

Approved December 20, 1871.

CHAPTER 22.

AN ACT to amend an act, entitled "An act in relation to stationery furnished members of the General Assembly," approved March 16, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act approved March 16, 1869, entitled "An act in relation to stationery furnished members of the General Assembly" as requires the Auditor to pay members of the General Assembly the amount appropriated to them under said act, for stationery, at the close

of each session of the Legislature, be so amended as to authorize and direct him to pay the same at the commencement of each session of the General Assembly.

1871.

§ 2. This act shall take effect from its passage.

Approved December 20, 1871.

CHAPTER 23.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Harrod's Creek, and Westport Railway Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to incorporate the Louisville, Harrod's Creek, and Westport Railway Company," approved the 19th day of March, 1870, be, and the same is hereby, amended as follows: That said railway company be, and is hereby, authorized to adopt either steam or horse power as a propelling power; and, by consent of the city of Louisville, said company may acquire additional rights of way within the limits of said city, over and along such route or routes as may be agreed upon by said company and said city; and the same may be operated inside said city limits by such power as may be agreed upon in like manner. And said company may establish its depots, stables, machine-shops, and such other needful structures, inside or outside of said city limits, and at such points and places as they may select and acquire for that purpose. This section shall not be construed as a limitation upon any rights or privileges heretofore granted said railway company.

Rights and powers.

§ 2. At all annual or called meetings of stockholders of said company, the commissioners of the Harrod's creek sinking fund, or a majority of them, shall vote the capital stock of said Harrod's Creek precinct, on all questions upon which stockholders may have a right to vote.

Who shall vote certain stock.

§ 3. That all tax receipts for tax paid for interest or principal on said bonds, shall be assignable by indorsement and delivery, and when presented to the board of directors of said company, in sums of one hundred dollars or upwards, certificates of stock shall be issued to the owner of said receipts, who shall thereupon surrender said receipts, and the same shall be cancelled and filed; and the holder and owner of said certificate shall have all the rights and privileges of other stockholders.

Tax receipts to be assignable, and certificates of stock issued therefor.

§ 4. That the vote cast by the judge of the county court of Jefferson county, for the Harrod's Creek precinct of said county, in an election for directors of said company,

Certain actions legalized.

1871. held on the 1st day of September, 1871, at which election James Callahan, J. C. Metcalf, Clarence Bate, John B. McFerran, and H. H. Buffenmeyer were elected directors, be, and the same is hereby, declared legal and valid.

§ 5. That the action of three or more of the commissioners named in the act to which this is an amendment, or of those named in an act referring to the company, approved March 22d, 1871, in petitioning the judge of the Jefferson county court to call an election in Harrod's Creek precinct, and also in calling a meeting of the stockholders for the purpose of electing a directory, is hereby declared to be legal and valid.

§ 6. All acts and parts of acts of which this act is an amendment, in conflict with this amendment, are hereby repealed.

§ 7. This act to take effect from its passage.

Approved December 20, 1871.

CHAPTER 24.

AN ACT for the benefit of the present and late sheriffs of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time, till the first Monday in March, 1872, is hereby extended to Robert Spalding, present sheriff, and to Nathan Waller, Gip Taylor, and William Wilson, former sheriffs of Union county, in which to return additional delinquent lists for the years 1865, 1866, 1867, 1868, 1869, 1870, and 1871.

§ 2. It shall be the duty of the presiding judge of said county to assemble the justices on the first Monday in March, 1872, for the purpose of receiving said lists.

§ 3. When said lists shall have been so received and examined as required by law, the court shall allow the said sheriff and ex-sheriffs credit for the amounts of the same in their respective settlements.

§ 4. This act shall take effect from and after its passage.

Approved December 20, 1871.

CHAPTER 25.

AN ACT to incorporate the Observer and Reporter Printing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robt. S. Bullock, W. C. P. Breckinridge, B. G. Thomas, Ephraim Sayre, R. A. Buckner, Jas. J. Miller, and W. B. Kinkead, and their associates, shall be, and are

Corporators' names, and corporate style.

hereby, created a body politic and corporate, by the name and style of the Observer and Reporter Printing Company; and as such shall have perpetual succession, and be capable in law of contracting and being contracted with, suing and being sued, and making and receiving conveyances.

1871.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, divided into two hundred and fifty shares of one hundred dollars each, for which certificates shall be issued to the stockholders, transferable by person or by attorney upon the books of the company.

Capital stock.

§ 3. The affairs of the company shall be managed by a chairman and four directors, to be chosen annually by the stockholders on the first Saturdays of July in each year; and if, for any cause, the election is not held at this regular annual meeting, it shall be held at the next stockholders' meeting; an editor of the paper, and a secretary and treasurer, shall be elected, and their salaries fixed by the stockholders, and shall hold office during the pleasure of the stockholders; all other subordinate officers shall be chosen, and their compensation fixed, by the directors. The chairman and directors shall have the power to make all needful by-laws and regulations not inconsistent with this charter and the laws of this Commonwealth.

Board of directors — when chosen, and their powers and duties.

§ 4. The annual meeting of the stockholders shall be held on the first Saturday in July in each year; called meetings may be held at any time upon the requisition of the chairman or two of the stockholders owning one fourth of the entire stock; but notice of said called meeting shall be first given by publication for one week in the columns of the paper. At all meetings of the stockholders each share of stock shall entitle its holder to one vote.

Annual and called meetings — when and how held.

§ 5. Profits of the company shall be divided among the stockholders upon the first Mondays of January and July of each year; not more than ten per cent. upon the capital stock of the company shall be expended by the directors for improvements during any six months without first obtaining the consent of a majority in interest of the stockholders. When such expenditure has not been made during the preceding six months, the directors may, upon dividend day, set apart an equivalent sum as a contingent fund. At no time shall the directors incur a debt exceeding five hundred dollars without first obtaining the consent of a majority of the stockholders.

Dividends and expenditures — how regulated.

§ 6. To constitute a quorum of stockholders, at least two thirds of the stock must be represented. A quorum of the directors shall consist of the chairman and majority of directors.

Quorum.

1871.

§ 7. The company shall have the power to purchase and hold any real estate proper to be used in the conduct and management of its business, and to sell, transfer, or exchange such real estate when purchased. The company may also, by the consent of three fourths of the stock, increase its capital, provided said increase is not greater than double the present capital.

May issue
bonds and se-
cure the same.

§ 8. Said company shall have power to issue and sell, or hypothecate, its bonds, with coupons or interest warrants attached, for any sum not exceeding the capital stock actually paid up, and make the same payable at such time and place as may be deemed most advisable; but such bonds shall not bear a rate of interest exceeding ten per cent. per annum, to be paid annually or semi-annually, as said company may direct.

§ 9. This act shall take effect upon its passage.

Approved December 20, 1871.

CHAPTER 26.

AN ACT for the benefit of the county court of Union county.

WHEREAS, The county court of Union county, at its October term, 1871, appropriated the sum of sixty thousand dollars for the erection of a new court-house for said county, and, as a means of payment, requested the Senator and Representative in this General Assembly from said county to procure an act enabling said court to issue and sell the bonds of Union county; and whereas, the said court has, by its commissioners, contracted for the erection of said court-house; now, to enable said court to provide means to discharge the debt thus contracted, and to complete and furnish said buildings,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County judge
to issue bonds
to pay for new
court-house.

§ 1. That the presiding judge of the Union county court, during any regular or called term of said court, he, and he is hereby, authorized, empowered, and required, to issue the bonds of Union county to any amount not exceeding sixty thousand dollars, which may be necessary to provide means to pay for erecting and furnishing the new court-house now under contract for said county, said action to be, by order of court, duly entered upon the proper record-book.

Commissioner
to sell bonds.

§ 2. That when bonds to any amount shall have been issued under the authority and requirements of this act, the said judge shall cause the same to be sold by the commissioner heretofore appointed by the levy court of said county, who shall hold and dispose of the funds realized

from such sale or sales in the manner directed by the said court in its order made at its October term, 1871, or as may be hereafter directed by orders of court under the provisions of this act.

1871.

§ 3. That the said presiding judge shall issue bonds and cause the same to be sold at such times and in such amounts as will provide funds to meet the stipulated payments to the contractors of the court-house, and such other payments as may be promised by the building commissioners in pursuance of their authority from the levy court, and under the provisions of this act.

§ 4. That the said presiding judge shall determine the denomination of the bonds in the order made for the issual of the same, and direct therein when and where the interest is to be paid, and whether payable annually or semi-annually, and also where the bonds are to be paid.

When, where, and how bonds are to be made payable.

§ 5. That the said bonds shall mature in fifteen years from the date of their issual, and bear interest at a rate not greater than ten per cent. per annum, payable annually or semi-annually, as directed by the order for the issuing thereof; but said bonds shall be redeemable, in whole or in part, at any time subsequent to twelve months after their issual: *Provided, however,* That no bondholder shall be required to receive less than the amount of any one bond, with the accrued interest thereon: *And provided further,* That none of said bonds shall be so redeemable, unless the fact is stated upon the face of the bond.

§ 6. That said bonds shall have interest coupons attached; and the bonds shall be signed by the presiding judge of the county court, attested by the clerk of said court, and stamped with the seal of the county. The coupons shall be signed by the said clerk alone. The presiding judge to prescribe the form of the bonds and coupons.

§ 7. That it shall be the duty of the county court of said county, a majority of the justices in commission being present, and a majority of those present concurring, to make provision for the payment of the principal and interest of said bonds by levying and causing to be collected such taxes, under existing laws and this act, as may be necessary for that purpose.

May levy tax to pay off said bonds.

§ 8. That any surplus fund arising from the present "court-house tax" of said county, or from any additional tax that may hereafter be levied to pay the court-house debt, beyond what may be required to pay the interest of the bonds, shall be denominated a sinking fund, and applied each year to the redemption of the bonds, or invested in good convertible interest-bearing bonds or stocks under the orders of the levy court.

Sinking fund created.

1871. § 9. That the presiding judge of said county court shall, from time to time, by order of his court, direct the custodian of the court-house fund to apply any part of the sinking fund to the redemption of the county bonds.

May increase
the tax.

§ 10. In order to provide for the more speedy redemption of said bonds, the levy court of Union county, a majority of the justices in commission concurring, is hereby authorized to increase the poll-tax in said county not exceeding one dollar on each tithe, and the ad valorem tax not more than twenty cents on each one hundred dollars' worth of taxable property, in addition to the taxes now authorized by law; the money arising from said additional taxation to be applied exclusively to the redemption of said bonds; but no such levy shall be made except at the regular term of the court in October; nor shall the power conferred by this section continue longer than necessary to raise means to pay off the bonds.

May provide
furniture, &c.,
for new court-
house.

§ 11. The presiding judge of said county shall, by order entered of record in his court, direct the court-house commissioners to procure appropriate furniture and heating apparatus for the new court-house when completed; and shall provide means to pay for the same as hereinbefore authorized.

Certain orders
legalized.

§ 12. That the order of the Union county court, at its regular October term, 1871, in relation to the new court-house, be, and the same is hereby, declared valid and binding in law, to all intents and purposes, as if the same had been made in pursuance of express authority of law; and the commissioners and agents therein appointed are hereby declared to be possessed of, and invested with, all the rights, powers, and authority intended to be conferred thereby.

Levy of tax to
be submitted to
vote of citizens
of county.

§ 13. That before any additional tax shall be levied under the provisions of section ten of this act, the levy court, by a vote of a majority of the justices in commission, shall submit to the qualified voters of said county, at some general election for State officers, the question of whether or not such tax shall be imposed. The order of submission shall prescribe the mode and manner of taking the vote, not inconsistent with the election laws of the Commonwealth; and if, at such election, a majority of the qualified votes cast shall be in favor of the imposition of such additional tax, then the levy court shall proceed to lay the same as authorized by section ten of this act.

§ 14. All laws and parts of laws in conflict with the provisions of this act are repealed.

§ 15. This act shall take effect and be in force from and after its passage.

Approved December 20, 1871.

CHAPTER 27.

1871.

AN ACT for the benefit of W. H. Hughlett, jailer of Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Hughlett, jailer of Simpson county, be, and he is hereby, allowed the sum of two hundred and thirty-one dollars, for keeping and dieting a pauper lunatic, from the 24th day of November, 1870, until the 2d day of October, 1871; and the Auditor for the State is directed to draw his warrant on the Treasurer in favor of said Hughlett for said sum.

§ 2. This act to take effect from and after its passage.

Approved December 20, 1871.

CHAPTER 28.

AN ACT for the benefit of John E. Walton, of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the residence of John E. Walton, near the line of Boone and Kenton counties, be declared in the county of Boone, giving him all the rights and privileges of other citizens of said county.

§ 2. This act to take effect from its passage.

Approved December 20, 1871.

CHAPTER 29.

AN ACT to amend an act, entitled "An act to organize the South Kentucky Railroad Company," approved March 15th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to organize the South Kentucky Railroad Company," approved March 15th, 1871, be, and the same is hereby, amended as follows: That instead of commencing their road on the line of the Elizabethtown and Paducah Railroad, in the vicinity of Hartford, in Ohio county, as provided in the act to which this is an amendment, the South Kentucky Railroad Company may construct their railroad from the city of Henderson to the city of Louisville, or to any point on the Ohio river between said city of Henderson and the city of Louisville, above the mouth of Green river, or from said city of Henderson to connect with any railroad running to or having connections with the said city of Louisville;

1871. and that from said city of Henderson the said railroad may be run to the line of any railroad in the counties of Caldwell or Lyon, in this State.

§ 2 That the organization of the said South Kentucky Railroad Company, by the election of directors thereof on the 2d day of November, 1871, by the meeting of the stockholders held on that day in the city of Henderson, be, and it is, confirmed; and the said company is hereby declared to have been duly organized on said day, and that all subscriptions heretofore made to the capital stock of said company be, and they are hereby, confirmed.

Approved December 20, 1871.

CHAPTER 30.

AN ACT for the benefit of school districts No. 8, fractional, and No. 51, in Hart county.

WHEREAS, There were twenty-two children within the common school age in fractional district No. 8, in Hart county, which were reported to the commissioner of common schools for Hart county by the trustees of said district, and by some means the portion of the report on which their names were placed was lost or mislaid, and they were not reported to the Superintendent of Public Instruction, and by him allowed for, in paying said district for the year ending June 30, 1871; and whereas, there were eleven children within the school district No. 51, in said Hart county, which were reported to said commissioner, and by a mistake were not reported to the Superintendent of Public Instruction, and by him allowed for, in paying said district for the school year ending June 30, 1871, although common schools were legally taught in both of said districts for said year; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school commissioner of Hart county be, and he is hereby, directed to draw his warrant on the Treasurer for the amount of school fund due twenty-two (22) children of school district No. 8, fractional, in Hart county, for the school year ending June 30, 1871, to be paid at the rate not exceeding (\$2 04) two dollars and four cents for each child.

§ 2. That the commissioner of common schools for Hart county be, and he is hereby, authorized to draw his warrant on the Treasurer for the amount of school fund due eleven children of school district No. 51, in Hart county, for the school year ending June 30, 1871, to be paid at the rate not exceeding (\$2 04) two dollars and four cents for each child.

§ 3. The amount to be paid each district shall be paid out of any surplus school fund in the Treasury belonging to Hart county.

1871.

§ 4. This act to take effect from its passage.

Approved December 20, 1871.

CHAPTER 32.

AN ACT to amend an act, entitled "An act to incorporate the West Paris Bridge Company," approved March the 15th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the proceedings under the writ of *ad quod damnum*, authorized by the charter of the West Paris Bridge Company, shall be as follows:

§ 2. Upon petition filed in the Bourbon county court by the president of said company, designating the lands to be condemned, the clerk of said court shall issue a writ of *ad quod damnum*, directed to the sheriff of said county, and the said precept and the proceedings thereupon shall be as set forth in sections twenty-nine, thirty, thirty-one, thirty-two, thirty-five, and thirty-six, chapter one hundred and three, Revised Statutes Kentucky, except that if the owners or parties interested in said lands be, any of them, infants, then the clerk aforesaid shall, at the time of issuing aforesaid writ, appoint for said infant or infants a guardian or guardian *ad litem*, upon whom the notice required by section twenty-nine shall be served: *Provided*, That the approaches to said bridge so condemned shall not be less than thirty feet wide.

§ 3. This act shall take effect from its passage.

Approved December 20, 1871.

CHAPTER 33.

AN ACT to re enact an act, approved February 16, 1868, entitled "An act to authorize the county court of Bourbon county to levy a tax to build a bridge across Hinkson creek."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved February 16, 1868, entitled "An act to authorize the county court of Bourbon county to levy a tax to build a bridge across Hinkson creek," be, and the same is hereby, re-enacted, and made operative as fully as if it had not been repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved December 20, 1871.

1871.

CHAPTER 34.

AN ACT for the benefit of the town of Hawesville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Board of trustees may issue license to keep coffee-houses, etc.

§ 1. That hereafter it shall be lawful for the board of trustees of the town of Hawesville to grant licenses to keep coffee-houses, restaurants, nine or ten-pin alleys, or bowling saloons, within the limits of said town, and fix the rate of town tax thereon at not less than seventy-five dollars, nor exceeding one hundred and fifty dollars, for each house.

Person obtaining license to give bond and take oath.

§ 2. That all persons obtaining a license under the provisions of this act shall pay the State tax, execute bond, and make oath as now required by an act to regulate coffee-houses in this Commonwealth, approved February the 17th, 1866.

§ 3. That an act, entitled "An act to prohibit the sale of intoxicating drinks in the town of Hawesville and vicinity," approved March the 21st, 1870, be, and the same is, repealed.

§ 4. This act shall take effect from its passage.

Approved December 20, 1871.

CHAPTER 35.

AN ACT for the benefit of the county of Nelson.

WHEREAS, It appears to the satisfaction of this General Assembly that the clerks of the county court for the county of Nelson collected money for the sale of vacant lands in said county in the years 1868, 1870, and 1871, amounting to the sum of three hundred and fifty-three dollars and eighty-seven cents, and through mistake paid said sum into the Treasury of this State, instead of the treasury for said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts of this State is hereby directed to draw his warrant on the Treasury in favor of the county of Nelson for the sum of three hundred and fifty-three dollars and eighty-seven cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Approved December 20, 1871.

CHAPTER 36.

1871.

AN ACT to legalize certain orders and proceedings of the Larue county court.

WHEREAS, At the October term of the Larue county court, 1871 (the presiding judge and majority of the justices sitting), it was ordered by the court that an ad valorem tax of twenty cents on the one hundred dollars' worth of property in the county be levied to pay for the erection and construction of a bridge across Nolynn, near Hodgenville, and for other purposes of the county; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of the acts, orders, and proceedings of the Larue county court, made at its October term, 1871, for the purpose of levying a tax on the property of the county to pay for the erection of a bridge across Nolynn, near Hodgenville, and for paying other indebtedness of the county, be, and the same are hereby, legalized and declared valid.

§ 2. This act shall take effect and be in force from and after its passage.

Approved December 20, 1871.

CHAPTER 37.

AN ACT for the benefit of the Carlisle and Jackstown Turnpike Road Company, upper route.

WHEREAS, The county court of Nicholas heretofore made a subscription of a thousand dollars per mile in the Carlisle and Jackstown Turnpike Road, upper route, which was irregular and not authorized strictly by law; and the said road company have completed upwards of three miles of said road, but have received none of the county subscription in aid of the making of the road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Nicholas county court is hereby authorized and required to subscribe a number of shares, amounting to three thousand dollars, in the Carlisle and Jackstown Turnpike Road Company, upper route, and appropriate and pay the same out of the fund in the hands of Robert W. Potts, late sheriff of Nicholas county, which was collected by him under a levy made for the benefit of said road company.

County judge to subscribe stock in road.

§ 2. That whenever the presiding judge of said court shall be satisfied that a sufficient amount, with the aid of

May make additional subscriptions of stock.

1871. the county subscription, shall be subscribed by private subscription, to make and complete the balance of said road, he shall further subscribe in said road company a thousand dollars per mile for the remainder of said road, to aid in the making and completing the balance of the road; which county subscription shall be paid out of such fund as may be directed by said judge.

§ 3. This act shall take effect and be in force from and after its passage.

Approved December 20, 1871.

CHAPTER 38.

AN ACT to amend an act, entitled "An act to amend the charter of the city of Frankfort," approved March 15, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the city of Frankfort," approved March 15, 1871, Session Acts, 1871, page 137, be, and the same is hereby, amended, so as in all respects to make said act apply to and embrace school trustees.

§ 2. The present school trustees of said city shall hold their offices until the next election of councilmen for said city.

§ 3. School trustees for the city of Frankfort shall hold their offices for the same term, and be elected at the same time, that councilmen for said city are elected.

§ 4. This act shall take effect from its passage.

Approved December 20, 1871.

CHAPTER 39.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors in the town of Elkton, Todd county, or within one mile of the corporate limits thereof.

WHEREAS, A petition has been presented to the General Assembly, signed by a large majority of the citizens of Elkton, in Todd county, asking the Legislature to enact a law prohibiting the sale of spirituous, vinous, or malt liquors in said town, or within one mile of the corporate limits thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person or persons to sell or give, by retail or otherwise, any spirituous, vinous, or malt liquors, or any mixture thereof,

within the corporate limits of the town of Elkton, Todd county, or within one mile of the corporate limits thereof: *Provided*, That this act shall not be so construed as to interfere with the sale or use of such liquors for sacramental purposes.

1872.

§ 2. That all laws now in force authorizing the trustees of said town, or the presiding judge of Todd county, to grant license to coffee-house keepers, hotel-keepers, or any other person or persons whatever, in the town of Elkton, for vending spirituous, vinous, or malt liquors, are hereby repealed: *Provided*, That this act shall not be so construed as to interfere with the rights of any person now authorized by license to vend spirituous, vinous, or malt liquors who shall have obtained the same previously to the passage of this act.

§ 3. That any person violating any of the provisions of this act shall be fined fifty dollars for the first offense, and one hundred dollars for each succeeding offense, to be recovered on an indictment of the grand jury, or upon a warrant before the county judge of Todd county, or the judge of the Elkton police court, who are hereby authorized and empowered to try any person or persons for a violation of this act.

§ 4. That all acts or parts of acts in relation to the town of Elkton, inconsistent with the provisions of this act, be, and the same are hereby, repealed, so far as the purposes of this act may be affected by the same.

§ 5. It shall be the duty of the judge of the Todd circuit court to give this act in charge to the grand jury at each term of said court.

§ 6. This act shall take effect and be in force from its passage.

Approved December 20, 1871.

CHAPTER 40.

AN ACT to amend an act to protect small birds and game in the counties of Daviess and Lyon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to protect small birds and game in the county of Lewis, approved March 2d, 1860, be so amended as to include the counties of Daviess and Lyon.

§ 2. That this act shall be in force from and after its passage.

Approved January 11, 1872.

1872.

CHAPTER 41.

AN ACT to authorize the county clerk of Cumberland county to procure books and indexes for the purpose of transcribing the mutilated records of the surveyor's office of said county.

WHEREAS, It appears that the records of warrant and other surveys of Cumberland county, Kentucky, with the indexes thereto belonging, were never made in books suitable for such records; and that, such as they were, they have, by age and use, become so dirty and mutilated as to be in a manner worthless as public records; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county clerk of Cumberland county shall procure such books and indexes as may be necessary to use for fully transcribing all of the warrant and other survey records of said county; and that he shall forward the bills for the same to the Auditor of State for payment.

§ 2. That C. L. S. Matthews, of Cumberland county, be, and is hereby, authorized and appointed to transcribe all of the warrant and other survey records of said county, with the plats annexed; and also to make out plain and correct indexes to the same; and after completing the aforesaid work, he shall, together with the county clerk of said county, diligently compare said copies of surveys, plats, and indexes with the original records.

§ 3. After such comparison has been made, and the copies have been found to be correct, the county clerk shall report to the county judge, at the next monthly term of the Cumberland county court, and his report shall be received by the county judge and entered upon the records of said court for said regular monthly term; after which, all copies taken from said copies of survey records, and properly certified, shall be evidence in all courts of this Commonwealth as though they had been taken from the original books.

§ 4. The county court of Cumberland county shall, at its next court of claims after the transcribing of the survey records, &c., is completed, and the clerk's report (showing that such transcribing has been correctly done) has been presented, allow to the said C. L. S. Matthews, for his services in transcribing all of the said survey records, plats, and indexes, the fees allowed by law to circuit clerks for copying deeds, plats, &c., to-wit: two (2) cents for each twenty (20) words transcribed; twenty-five cents (25) for each separate plat copied, and five (5) cents for each name indexed.

§ 5. The original records of warrant and other surveys shall be preserved with other records in the clerk's office of Cumberland county, after they have been copied and compared; and the county clerk shall have a reasonable

compensation for his services in comparing said copies with the originals; and this allowance shall be made him by the Cumberland county court of claims at its next term after the service is rendered.

1872.

Approved January 11, 1872.

CHAPTER 42.

AN ACT for the benefit of J. E. Cosson, H. G. Trimble, and E. D. Porch, of the county of Pulaski.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be allowed J. E. Cosson, late clerk of the Pulaski circuit court, H. G. Trimble, present clerk of the Pulaski circuit court, and E. D. Porch, clerk of the Pulaski county court, to collect their uncollected fee bills.

§ 2. That their fee bills be distrainable for two years from the passage of this act; said Cosson, Trimble, and E. D. Porch, to be subject to all the penalties now in force by law for issuing and collecting illegal fees.

§ 3. This act shall be in force from and after its passage.

Approved January 11, 1872.

CHAPTER 43.

AN ACT to amend the charter of the town of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That that portion of the charter of the town of Mayfield making it the duty of the trustees of said town to keep the streets in repair, be, and the same is hereby, repealed, except as to the main streets now graded and graveled; and the other streets of said town are hereby placed upon the same footing with other public highways.

§ 2. That it shall be the duty of the county court of Graves county to appoint surveyors of said streets, who shall hold their office for the same time, and have the same powers, and be subject to the same penalties, with surveyors of the public roads of this Commonwealth. In the order making this appointment, the court shall designate what portion of said streets shall be kept in repair; and the surveyor shall not be required to work any portion of the streets not thus designated.

§ 3. That all male citizens residing in said town, who would be subject to road duties by the general laws of this

County court to appoint surveyors of streets in said town.

Powers and duties.

Who are liable to work said streets, and penalty for failure.

1872. Commonwealth, shall be required to work said streets; and the names of such persons shall be entered upon the list of hands furnished said surveyor by the officer appointing him; and such persons shall be subject to the same penalties for failing or refusing to work the streets when required as is imposed by law upon other persons subject to road duty, provided at least one day's notice be given.

Fines—how
disposed of.

§ 4. That all fines, except Commonwealth's Attorney's fees, under this act, be, and the same are hereby, appropriated to the said corporation of the town of Mayfield.

§ 5. This act shall not be construed as to deprive the trustees of said town of the power to levy and collect taxes for the purpose of constructing and keeping in repair the sidewalks.

§ 6. This act shall take effect from its passage.

Approved January 11, 1872.

CHAPTER 44.

AN ACT to better define the duties of overseers of public highways in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the overseers of the public highways of the county of Cumberland be required to remove the brush and bushes overhanging said roads, the entire width of each road-bed to the height of fourteen feet above said road-bed.

§ 2. That any overseer of a public highway, in Cumberland county, failing to comply with the first section of this act, shall be fined, upon each failure, the sum of five dollars, recoverable as other road fines are now collected.

§ 3. This law shall be in force from its passage.

Approved January 11, 1872.

CHAPTER 45.

AN ACT for the benefit of W. J. Lisle, administrator of Tho. W. Lisle.

WHEREAS, An act was passed by the General Assembly, at its last session, chapter 1646, approved March 17, 1871, for the benefit of W. J. Lisle, authorizing him, as the administrator of Tho. White, to make his official settlements before the presiding judge of the Marion county court; and whereas, said act was intended to be for the benefit of said Lisle as administrator of Tho. W. Lisle, and by mistake the said bill was enrolled and printed Tho. White,

when it should have been Tho. W. Lisle; therefore, for remedy,

1872

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Marion county court be, and he is hereby, authorized and empowered to make settlements with William J. Lisle, as administrator *de bonis non*, with the will annexed, of Thomas W. Lisle, deceased; and said settlement shall, for all purposes, be as legal and binding as if made before the judge of the Green county court.

§ 2. That the settlement made by said administrator of said Lisle, before the judge of the Marion county court, since the approval of the act referred to in the preamble of this act, is declared legal and valid.

§ 3. This act to take effect from its passage.

Approved January 11, 1872.

CHAPTER 46.

AN ACT for the benefit of the common school district No. 8, in Lewis county.

WHEREAS, The late Superintendent of Public Instruction of this State decided that there were no legally elected trustees of the common school district No. 8 in Lewis county; and decided that W. C. Halbert, as president of the Vanceburg Male and Female Academy, could take charge of the common school for said district, have it taught for five months, report said school to the Superintendent, and draw the public school money due said district for 1871-'72; and whereas, said Halbert employed two competent teachers to teach the free school in said district, and that said school commenced the latter part of August, 1871, and has been continued ever since, and has now been taught over three and a half months, at which every child of the ages authorized to attend the free schools, living in said district, were invited to attend said school free of charge; and whereas, there has also been taught in said district another school, at which, and to which, all the said children were invited to attend, free of charge; the last named school was taught at the Methodist Church, and the first named school was taught at the school-house in Vanceburg; and whereas, it is represented that a large majority of the children living in said district, of the proper ages to attend the free schools, have attended said two schools, and have been taught free of charge, and are still attending said schools, and that said schools are to be taught the remainder of the term of five months; and whereas, the present Superintendent has received

1872. report of the number of children in said district of the proper ages at one hundred and ninety-one; but said Superintendent is of opinion that neither of said schools can draw the money due said district without further legislation; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each of said schools taught, and now being taught, in Vanceburg, shall be entitled to one half of the money due, and to become due, said common school district No. 8 for five months' school for one hundred and ninety-one children, and the Superintendent of Public Instruction is hereby directed to draw his warrant on the State Treasury for one half of said sums of money when due and ready to be distributed, in favor of Joseph A. Sparks, school commissioner of Lewis county, to be paid to the teachers who have taught, and are teaching, the school in Vanceburg, at the Methodist Church; and said Superintendent shall draw his warrant for the other half of the money due said district from the school fund for 1871-'72, in favor of W. C. Halbert, to pay the teachers who have taught, and are teaching, the common school in said district at the school-house in Vanceburg. The money shall not be paid, or the warrant drawn, until the time of payment to other school districts which have been regularly taught and regularly reported.

§ 2. This act shall take effect from and after its passage.

Approved January 10, 1872.

CHAPTER 47.

AN ACT to regulate sales made under decrees of the Barren circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all sales hereafter made under decrees hereafter rendered in the Barren circuit court, shall be made by the sheriff of Barren county, in the manner now provided by law that such sales shall be made, except when he may be a party to the suit in which the decree is rendered, or have some interest therein, then the court shall appoint a special commissioner to make such sale; said sheriff or commissioner shall be allowed by the court a reasonable compensation for his services; but in no case, where the sale is made in Barren county, shall he be allowed more than twenty-five dollars.

§ 2. This act shall be in force from its passage.

Approved January 13, 1872.

CHAPTER 48.

1872.

AN ACT authorizing Mrs. Sally M. E. Pope to qualify as guardian for the children of Mary Lloyd Hartman.

WHEREAS, It is represented that the estates of Sally M. E. Pope and Henry L. Pope are, by previous contract, entirely separate, and that Sally M. E. Pope desires to become the guardian of the two children of her deceased sister, Mrs. Mary Lloyd Hartman, which cannot be done under existing laws; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sally M. E. Pope, wife of Henry L. Pope, by and with the consent of her said husband, given in open court, she is hereby authorized and empowered to become the guardian of the children of Mary Lloyd Hartman, deceased, and for that purpose to execute the necessary bonds, make all contracts, and sue and be sued as a *feme sole*, as guardian as aforesaid; and all of her estate, of every kind whatever, shall be liable for her acts as guardian for said children.

§ 2. This act shall take effect from its passage.

Approved January 12, 1872.

CHAPTER 49.

AN ACT to authorize the county court of Butler county to increase the county levy for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Butler county, a majority of the justices being present and concurring therein, be, and said court is hereby, authorized to increase the poll-tax heretofore levied by said court for the years 1872, 1873, 1874, 1875, and 1876, to the sum of five dollars and fifty cents on each person in said county subject by law to pay a poll-tax.

§ 2. The levy hereby authorized to be increased may be made by said court at the regular meeting thereof in the year 1872, 1873, 1874, 1875, and 1876.

§ 3. This act shall take effect and be in force from and after its passage.

Approved January 13, 1872.

1872.

CHAPTER 50.

AN ACT to amend the charter of the Paducah Gas-light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

President & directors — when and how elected, and their duties.

§ 1. That the president and directors of said company now in office shall continue to hold their respective positions until the third Monday in January, 1872, when an election shall be held for directors of said company, and annually thereafter, and the directors so elected, at any election so held, on the third Monday in January, in any succeeding year, shall hold their office for one year, and until their successors are duly elected and qualified; and all the acts of the present directors, within the scope of the original charter, until said election, are hereby declared as binding and effective, as if they had been elected according to the provisions of the original charter.

May issue and sell stock.

§ 2. That said company, for the purpose of extending their works, street mains and pipes, may issue stock, and sell the same at private or public sale, to raise funds to defray the expenses of such extensions; and the money so raised shall not be used for any other purpose.

Stock made transferable.

§ 3. That the stock in said company is hereby declared to be personal property, and may be passed as such; and shall be transferable on the books of said company as the president and directors of said company may prescribe by by-law.

§ 4. That this amendment shall become a part of the charter of said company, if a majority of stockholders in interest shall vote to accept the same at said meeting on the third Monday in January, 1872, and shall take effect from that time; and notice of time of election to accept the amendments, and for the election of directors of said company, shall be given by advertising the same in one of the newspapers published in the city of Paducah prior to said election.

§ 5. This act shall take effect from and after its passage.

Approved January 13, 1872.

CHAPTER 51.

AN ACT to authorize the county court of Menifee county to issue bonds to assist in building court-house in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

County court to issue bonds.

§ 1. That the county court of Menifee county, a majority of the magistrates being present and concurring therein, be, and they are hereby, authorized to issue county bonds

of said county, to the amount of one thousand dollars, to assist in building a court-house.

1872.

§ 2. Said bonds shall bear interest at the rate of ten per cent. per annum; said interest to be paid annually, and said bonds shall have two years to run, and may be issued in such sums as the court may direct, not larger than one hundred dollars.

§ 3. The court shall prescribe the form of the bonds; they shall be signed by the judge, attested and stamped by the clerk with the seal of the court.

§ 4. The court may appoint a commissioner to sell said bonds, and direct the price to be taken therefor, and the time and manner and place where they shall be offered.

Commissioner
to sell bonds.

§ 5. It shall be the duty of said court to make the necessary arrangements for the payment of the interest on said bonds, and for their final payment when due.

Court to provide for
payment of bonds.

§ 6. The said court shall have power to make all orders necessary for carrying into execution the provisions of this act; and the county judge may, at any time, convene the justices of the peace for action under this act.

§ 7. This act shall take effect from and after its passage.

Approved January 13, 1872.

CHAPTER 53.

AN ACT for the benefit of Daniel Miller, late sheriff of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time of two years is given Daniel Miller, late sheriff of Lincoln county, in which to collect his uncollected taxes and fee bills, and that he have the right to distrain for the same, subject to all the penalties imposed by law for illegal distrains, or the collection of illegal fee bills.

§ 2. That this act to take effect and be in force from its passage.

Approved January 13, 1872.

CHAPTER 54.

AN ACT for the benefit of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levying of a tax by the county court of Hopkins county, at its November term (court of claims), 1871, of fifteen (15) cents on each one hundred dollars' Tax levy legalized.

1872. worth of property in said county now taxed for State purposes, for the purpose of paying the indebtedness of the county and meeting the current expenses aforesaid for the year 1872, be, and the same is hereby, legalized; and the sheriff of Hopkins county is authorized and empowered to collect and distrain for the same in the same manner that he is authorized to do in the collection of the State revenue and other taxes of Hopkins county.

May levy additional tax.

§ 2. The county court of Hopkins county, at its levying term, is hereby empowered to levy a poll-tax of not exceeding four (4) dollars on each tithable in said county, for the purpose of meeting the current expenses of said county for the year 1873, or any year thereafter, when, in the opinion of said court (a majority of the justices concurring), it is necessary to meet the indebtedness and to pay the current expenses thereof.

Sinking fund—how created.

§ 3. The county court of Hopkins county, at its said term, is authorized and empowered to levy a tax of fifty (50) cents on each one hundred (100) dollars of the property in said county taxed for State purposes, to pay the interest on the one hundred and fifty (150) thousand dollars in bonds of said county, issued and delivered to the Evansville, Henderson, and Nashville Railroad Company, in payment for stock in said company, and to create a sinking fund to pay said bonds at maturity, or to retire them before maturity. A sufficiency of the proceeds of this levy shall be first applied by the court to the payment of the interest on said bonds, and cost of collecting the tax, and the remaining fund shall constitute a part of the sinking fund aforesaid; and the court may continue to levy said sum for a sufficient number of years to extinguish said indebtedness; and all sums of surplus money now in the hands of the officers of said court, arising from levies heretofore made for the purpose of paying interest on said bonds, shall be a part of said sinking fund. Said court is authorized to use the money of said sinking fund in purchasing and retiring the said bonds of the county, if any are on the market, or they may invest said fund in some other safe security, falling due before the maturity of said bonds; but said fund, and no part thereof, shall be used for any other purpose than those mentioned in this act.

Trustee of sinking fund to be appointed.

§ 4. The said court may appoint a trustee of the sinking fund aforesaid, and require him to execute a bond to the court, with two or more sureties, for the faithful discharge of his duties as said trustee, and may authorize him to make purchase of the bonds of the county, or make the other investments mentioned. Said court may order the sheriff of said county to pay said fund to said trustee, taking his receipt for same, and shall require said trustee to

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report his acts and exhibit a statement to the court at least once in each year, and may make to said trustee a reasonable allowance for his trouble and labor.

§ 5. This act shall be in force from and after its passage.

Approved January 13, 1872.

1872.

CHAPTER 55.

AN ACT to change the time of holding the court of claims of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the court of claims of Madison county shall be held at the court-house in Richmond, on the 4th Monday in May of each year, and continue in session not exceeding six days; and so much of the law as requires said court to be held on the 3d Monday in June, is hereby repealed.

§ 2. This act shall take effect from its passage.

Approved January 13, 1872.

CHAPTER 56.

AN ACT for the benefit of the Dix River and Lancaster Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road as at present constructed along and on the route of the Dix River and Lancaster Turnpike Road Company, be, and the same is hereby, legalized, and said company made capable and authorized to erect toll-gates across said road, and collect tolls from all persons traveling thereon, as provided for in the charter of said company, enacted 17th of August, 1862.

§ 2. This act shall take effect from and after its passage.

Approved January 13, 1872.

CHAPTER 57.

AN ACT for the benefit of the town of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who shall be fined for an infraction of an ordinance or by-law of the town of Glasgow,

1872. in any court of competent jurisdiction, and shall fail to pay or replevy the same at the time it is imposed, shall be adjudged by the court to work on the streets of Glasgow at the rate of two dollars per day, and be confined in the county jail at night until his labor shall amount to a sum equal to the fine and cost of confinement. The jailer shall diet said person, and be paid therefor, and the keeping of him in said jail, by the trustees of said town, out of its treasury. It shall be the duty of the marshal of said town to take charge of said person, and see that the judgment of the court is complied with.

§ 2. This act shall take effect from the time of its passage.

Approved January 13, 1872.

CHAPTER 58.

AN ACT to increase the county levy of McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the county court of McLean county to levy an additional levy, not exceeding one dollar per tithe, for the years of 1872 and 1873, the majority of the justices of the peace for said county concurring.

Approved January 13, 1872.

CHAPTER 59.

AN ACT for the benefit of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Floyd county shall have the further time of two years in which to provide the fire-proof vaults for the preservation of county records now required by law.

§ 2. This act shall take effect and be in force from its passage.

Approved January 13, 1872.

CHAPTER 60.

AN ACT in relation to taxes for road purposes in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be the duty of the assessor of Henderson county to open a column in the assessor's

book for said county, in which it shall be the duty of said assessor to list all persons in said county who are subject to the capitation tax for road purposes.

1872.

§ 2. That where the person subject to said tax is a minor, the tax shall be chargeable to, and collected from, the parent or guardian of said minor, or if he have neither parent or guardian, then from the person with whom said minor resides.

§ 3. It shall be the duty of said assessor to open and keep a column showing what property and persons are exempt from taxation for road purposes by reason of the property being situated, and the persons residing, in the city of Henderson.

Approved January 13, 1872.

CHAPTER 62.

AN ACT to revise and codify the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John G. Carlisle, M. M. Benton, John N. Furber, William Ernst, and Napoleon B. Stephens, be, and they are hereby, appointed commissioners to revise and codify the charter of the city of Covington.

Commissioners appointed.

§ 2. That said commissioners shall perform said work and publish the same in the Covington Journal, a newspaper published in said city, at least four consecutive weeks previous to the August election in eighteen hundred and seventy-two.

Commissioners to publish their action.

§ 3. That said charter, as revised and codified by said commissioners, shall be submitted to the voters of said city for their approval or rejection at the said August election in 1872; and a majority of the votes cast for or against said charter shall decide whether the citizens of said city approve or disapprove of said charter. That those who approve of said charter shall vote yea, and those who disapprove of said charter shall vote no.

Report to be submitted to qualified voters for approval.

§ 4. The city clerk of said city shall prepare, under the direction of said commissioners, suitable poll books, and furnish the same to the different precincts in said city; and it shall be the duty of the judges and clerks of the said August election to take the votes of all legal voters and record the same, and return said poll-books, certified in the usual form and manner, to said city clerk, who, within three days thereafter, shall, in company with a majority of said commissioners, examine said poll-books, and certify the result of said votes.

Duties of city clerk and officers of election.

1872.

§ 5. If a majority of the votes thus recorded shall approve of said charter, then the clerk of said city shall transmit a certified copy of the result of the same to both Houses of this General Assembly as soon as it may be in session thereafter; also a copy of said charter.

§ 6. The said commissioners may organize for the transaction of said work as they may deem best to promote the speedy completion of the same. They may employ a clerk, purchase stationery, and do such other acts as may be necessary to accomplish said work; and a majority of said commissioners shall decide all questions connected therewith.

§ 7. It shall be the duty of said commissioners to make up an account of expenses connected with, or incurred in, discharging their duties as said commissioners, and certify the same to the council of said city.

City council to pay expenses. § 8. The city council of said city shall audit and pay the same, together with a reasonable compensation to said commissioners, for their labor and services in performing said work.

§ 9. This act shall take effect from and after its passage.

Approved January 13, 1872.

CHAPTER 63.

AN ACT to incorporate the Louisville Union Depot and Transfer Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name and power.

§ 1. That the Louisville and Nashville Railroad Company, Jeffersonville, Madison, and Indianapolis Railroad Company, Louisville Bridge Company, Louisville, Cincinnati, and Lexington Railroad Company, and the Louisville, New Albany, and St. Louis Air Line Railroad Company, their associates and successors and assigns, be, and the same are hereby, constituted a corporation, to be known and called by the name of the Louisville Union Depot and Transfer Company, with power to adopt a common seal; to contract and be contracted with; sue and be sued; and shall have full power to purchase, lease, or otherwise acquire depot grounds in the city of Louisville and county of Jefferson; and to locate and construct thereon, keep up and maintain, a common or union station-house and passenger depot, with such warehouses and elevators connected therewith as may be convenient for the use thereof; and to construct, keep up, maintain and operate, or permit others to construct, keep up, maintain and operate, a union railroad, by two or more tracks connecting said Union Depot, tracks, grounds,

1872.

warehouses, elevators, and other buildings and improvements thereon, with the depots and tracks of any and all railroads that may now or hereafter terminate in said city of Louisville, either by their own tracks or by the use of the tracks over said Louisville bridge, desiring, by contract or otherwise, to enjoy the privileges of said Union Depot, warehouses, elevators, and other buildings, and to connect said Union Depot grounds, buildings, and tracks with the tracks on and over the bridge of the said Louisville Bridge Company, and generally to use and enjoy all the rights and powers incident to corporations, and which are convenient and proper to be used and enjoyed in and about the building and operating of a Union Depot, with the convenient warehouses, elevators, and other buildings and improvements connected therewith, and of railway tracks thereon, and of connecting the same by railway tracks with the tracks and depots of the railroad companies desiring to be so connected, and with the said Louisville bridge: *Provided*, That all railroad companies, whose lines of road are now, or may hereafter be, constructed to, and terminate in, said city of Louisville, shall have the right to have and enjoy the same and equal privileges in and upon the said Union Depot grounds, tracks, buildings, and other improvements, with the companies herein named as incorporators, or any other railroad company, in the use of the same, upon their paying, or securing to be paid, to the satisfaction of said Union Depot Company, their equal proportion of the cost of said Union Depot, grounds, tracks, buildings, and other improvements; and from time to time their proper proportion of the cost of keeping up, maintaining, and operating the same; such proper proportions being in the proportion to the use made of the same by said companies respectively: *Provided further*, That all railroads now constructed, or which may hereafter be constructed, to or near the Ohio river, on the north side thereof, and which, by contract or otherwise, shall use the bridge of the said Louisville Bridge Company in doing its business to and from said city of Louisville, shall, within the meaning of this act, be deemed, and held to be, a railroad terminating in said city of Louisville.

§ 2. The president of each of the corporators above named shall be ex-officio a director in the said Union Depot and Transfer Company, and shall serve until their successors shall have been elected and qualified as in this act provided.

Directors and
term of service.

§ 3. Said corporation shall, by its by-laws, provide for the election of the directors thereof, designating the number, and determining their qualification, and the manner and time of their election; the number and title of the

May provide
for election of
all officers, and
prescribe their
duties.

1872. officers thereof, and the time and manner of their appointment, and the duration of their term of office; the amount of the capital stock of said corporation, dividing the same into shares, and determining the amount of each share, which capital stock may be increased and diminished as required, in the judgment of the directors of said corporation, by the necessities or interests of said company; which capital stock is declared to be personal property, and subject to the laws governing personal property, and shall be free from all claim of dower; and such by-laws shall have the same force and effect as if enacted herein. And the said corporation shall have power to adopt such other by-laws for the government of the company, its officers, agents, and servants, in the general undertaking of the business of the corporation, as in the opinion of such directors may be needful and proper, and to alter and amend or repeal the same in accordance with the provisions thereof.

May sue out writ of ad quod damnum to condemn lands for their depot, &c.

§ 4. Should the said corporation be unable to agree with the owners for the purchase of the land necessary or convenient for the erection of their depot buildings, as aforesaid, or for the right of way for such railways as they may desire to construct by virtue of this act, connecting such Union Depot buildings and tracks with the depots and tracks of other railroads, and with said Louisville bridge, said corporation may file a petition in the Louisville chancery court, stating the fact relied upon, describing the property sought to be condemned, and making the owners and all persons having liens thereon, or interests therein, parties thereto, and praying that the value of the same may be assessed, and that the property described, or the right of way demanded, as the case may be, shall be condemned for the use of said corporation, of which suit notice shall be given as is provided in other like causes tried in said court.

§ 5. Whereas, the issues in such cause shall be made up; if either party shall demand a jury the chancellor shall fix a day for the trial, and shall direct the marshal of said court to select and summon a jury, in such manner, and from such class of citizens, as such chancellor shall by rule of court order and direct; which said jury shall assess the value of the land sought to be condemned, or the damage arising from the use of the right of way claimed; and upon the payment into court of such sum so assessed, the chancellor shall direct the commissioner of said court to convey such real estate or right of way to said corporation; new trials, rehearings, or appeals, may be had in all such cases as in other chancery cases. If neither party shall demand a jury, the chancellor shall try the cause. Evidence may be taken according to the practice of said court; or if the trial

is by jury, either party may, at their option, produce witnesses on the trial.

1872.

§ 6. Said corporation may employ such number of policemen or guards, to be paid by said corporation, as may be necessary to preserve order and protect persons and property in and about the depots and railway lines; such policemen shall be appointed by the corporation, and when any such appointment is approved by the general council of the city of Louisville, such policemen so appointed and approved shall have the same powers, and perform the same duties, as the policemen of the said city of Louisville have and perform.

May appoint police.

Powers and duties of police.

§ 7. That said corporation shall have power to borrow money on credit of the corporation, not exceeding the amount of its capital stock, at a rate of interest not exceeding eight (8) per cent. per annum, payable semi-annually, and may execute notes or bonds therefor, in sums not less than one hundred dollars, and execute a mortgage or trust deed upon its property then or thereafter acquired, to secure the payment of the principal and interest; and the stockholders of said corporation, individually or in their corporate capacity, or any of the railroad companies which, by contract or otherwise, may acquire the right to use such Union Depot and other buildings, grounds, and tracks, are hereby authorized to guarantee the payment of the same; and the corporation hereby created may dispose of such notes or bonds at such rate of premium or discount as the directors may deem best for its interest.

May issue bonds, and provide for paying the same.

§ 8. Nothing in this charter shall be so construed as to affect any of the rights of the city of Louisville to any of the streets, alleys, and public ways now enjoyed by said city, and no street, alley, or public way shall be used or occupied by said company without having first obtained the consent of the general council of the city of Louisville.

§ 9. This act to be in force and take effect from and after its passage.

Approved January 15, 1872.

CHAPTER 64.

AN ACT for the benefit of common school district No. 23, in Livingston county.

WHEREAS, The Shelton High School is taught in Smithland, in Livingston county, and in common school district No. 23, in said county of Livingston; and whereas, it is represented to this General Assembly that it is to the

1872. interest of the citizens and children of said common school district to have the common school in said district taught in connection with the school of said seminary; therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may be lawful for the trustees of common school No. 23, in the county of Livingston, to have the common school for said district taught in connection with the school of said seminary.

§ 2. This act to take effect from and after its passage.

Approved January 13, 1872.

CHAPTER 65.

AN ACT for the benefit of the estate of Thos. H. Crawford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the administrator of the estate of Thos. H. Crawford, deceased, to institute suit in the Louisville chancery court against the heirs and creditors of the said T. H. Crawford, under chapter four (4), title two (2), of the Civil Code of Practice, to settle the said decedent's estate; and said court shall have, maintain, and exercise, in all respects, the entire and complete jurisdiction in said suit, and proceedings therein, to the same extent as if the said Crawford had resided in Jefferson county at the time of his death, and administration had been granted on his estate by the county court for said county of Jefferson. The proceedings in said suit shall conform to the provisions of said chapter four of said Civil Code of Practice.

§ 2. This act shall take effect from its passage.

Approved January 13, 1872.

CHAPTER 66.

AN ACT for the benefit of B. K. Bethurum, late sheriff of Rockcastle county, and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. K. Bethurum, late sheriff Rockcastle county, and his securities, be, and they are hereby, relieved from the payment of the sum of one hundred and fifty-three dollars and seventy-six cents, being the damages adjudged against them at the June term, 1871, of the Franklin cir-

cuit court, for balance due on the revenue due from Rockcastle county for the year 1867.

1872.

§ 2. This act to take effect from and after its passage.

Approved January 13, 1872.

CHAPTER 67.

AN ACT for the benefit and relief of Haywood Gilbert, former sheriff of Clay county, and his sureties, for the year 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Haywood Gilbert, former sheriff of Clay county, and his securities, be, and they are hereby, released from all damages adjudged against them for the failure of said Gilbert to pay into the treasury the revenue of Clay county for the year 1869.

§ 2. That said Gilbert have further time until the 1st of April, 1872, to return his delinquent list for the year 1869; and when returned according to law, that same be allowed and paid by the Auditor.

§ 3. That this act shall take effect when the balance of the principal, interest, and costs of said judgment (being \$20 13) shall be paid into the Treasury.

Approved January 13, 1873.

CHAPTER 68.

AN ACT for the benefit of Wm. McMurtrey, of Monroe county.

WHEREAS, William McMurtrey was appointed by the county court of Monroe county to convey Harry Gee to the Lunatic Asylum at Lexington, Kentucky, and ordered that said McMurtrey take with him one guard for the purpose of assisting to convey said lunatic to said Asylum; and whereas, said McMurtrey received as compensation for his services only mileage for himself going to and returning from said Asylum, and for said lunatic going to said Asylum, and no toll-gate or bridge fees at all, while under the law he was entitled to mileage for said guard going to and returning from said Asylum, and to his necessary bridge, ferry, and toll fees; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, required to draw his warrant on the Treasurer for the sum of thirty dollars and sixty cents (\$30 60) in favor of William Mc-

1872. Murtrey, which shall be in full of the balance due him for conveying Harry Gee to the Eastern Lunatic Asylum at Lexington.

§ 2. This act shall take effect from its passage.

Approved January 18, 1872.

CHAPTER 70.

AN ACT to amend an act to incorporate the Montgomery and Bath Counties Associated Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twelve of said act be, and is hereby, so amended, that whenever said road, or any continuous section of said road, is completed in full for three and a quarter miles in extent, then the board of directors shall apply to the judge of the county court of Montgomery or Bath counties (in whichever county said road so completed may lie), or any three justices of either of said counties depending upon same condition, whose duty it shall be to examine said section or said road, and if the same is constructed according to the charter, to certify to the same, and to return said certificate to the county court thereof for record; and on said certificate being signed by the county judge or justices aforesaid, it shall be lawful for said directors aforesaid to cause to be erected a toll-gate on said section of said road, and to collect for all travel and transit through said gate tolls according to the rates hereinafter established.

§ 2. This act to take effect from its passage.

Approved January 18, 1872.

CHAPTER 71.

AN ACT to amend an act to incorporate the Allensville Turnpike Company, in Clark county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said company be authorized and empowered to erect two gates on said road, and to collect full tolls thereat.

§ 2. That the maximum grade of said turnpike road be fixed at six degrees.

§ 3. That all acts or parts of acts inconsistent with this be, and the same are hereby, repealed.

§ 4. That this act shall go into effect from and after its passage.

Approved January 18, 1872.

CHAPTER 73.

1872.

AN ACT to provide for recording deeds to burial lots in Green Lawn Cemetery, at Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the board of council of the town of Franklin to own and keep a separate deed-book, wherein they may convey any and all burial lots owned by them in Green Lawn Cemetery; and as said board sell off, or dispose of said lots, the deeds thereto shall be written and remain in said deed-book, and said deed book shall be filed in the office of the county court clerk, by an order of the court properly describing said deed-book; and the filing of said book shall have the same force and effect as if the deeds therein were severally filed and regularly acknowledged before the clerk of the county court.

§ 2. This act shall be in force from and after its passage.

Approved January 18, 1872.

CHAPTER 75.

AN ACT to amend an act to establish an additional voting precinct in Carter county, approved March 10th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish an additional voting precinct in Carter county," approved March 10th, 1870, be amended, and said precinct is hereby declared a regular justices' district of said county, and shall be numbered five, and be in addition to those already in said county; said district shall hereafter be entitled to two justices and a constable, to be elected by the qualified voters thereof at each regular election hereafter held in said county for justices and constables.

§ 2. An election for two justices of the peace and a constable for said precinct shall be held at the voting place thereof on the first Saturday in May, 1872. The judge of the Carter county court shall appoint two judges, a sheriff, and a clerk, all residents of said precinct, to hold said election, and cause them to be notified of their appointment at least five days before said first Saturday in May; and when said election shall have been held, and the poll books returned, the county court clerk shall, within three days after the comparing of the said poll-books, certify the same to the proper authorities as now required by law in regular elections for like officers; and

1872. the said polls shall be compared by the officers designated, as in cases of regular elections for justices and constables.
- § 3. This act shall take effect and be in force from and after its passage.

Approved January 17, 1872.

CHAPTER 76.

AN ACT for the benefit of Wm. A. Foutz, surety for B. T. Hayden, late sheriff of Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. A. Foutz, surety for B. T. Hayden, late sheriff of Rowan county, be, and he is hereby, relieved from the payment of \$46 14 damages which has been paid by him as said surety; and the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant upon the Treasury of this State in favor of said Wm. A. Foutz for said sum of \$46 14, which sum shall be paid him, upon presentation of said warrant, out of any funds in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Approved January 17, 1872.

CHAPTER 77.

AN ACT for the benefit of W. E. Cleland, sheriff of Mercer county.

WHEREAS, W. E. Cleland, sheriff of Mercer county, having, in 1869, paid all the revenue tax due from said county for said year, claims that the copy of the assessor's books of said county, on file in the Auditor's office, charges him with more tax for said year than was listed with him for collection; which supposed discrepancy was not discovered until since the last session of the Legislature; and whereas, at the August term, 1871, of the Franklin circuit court, judgment was rendered against said sheriff and sureties for the balance of State revenue of 1870, with interest, damages, and costs, as prescribed by law; and whereas, it appears from the orders of the Mercer county court, on file in the State Auditor's office, that, at the time said judgment was rendered, said sheriff, on his revenue account for 1870, was entitled to credit in the sum of four hundred and ninety-one dollars and fifty-eight cents for additional delinquents and exonerations for 1869 and 1870, which credit was omitted to be given before said judgment because the county clerk of Mercer

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county failed to send to said Auditor copies of the orders aforesaid, as also the delinquent list returned and allowed by the Mercer county court for said years; and whereas, said sheriff has paid said judgment, interest, and costs, except the delinquent taxes, exonerations, and damages aforesaid; and whereas, said sheriff's failure to pay said taxes before judgment was because of his inability to collect same without great distress to the people on account of the pressure of the times, as also the failure of said sheriff to receive the instructions of the Auditor that said taxes must be paid before August, 1871, else judgment would be taken against him; and whereas, there is no existing law authorizing the Auditor to correct said assessor's books, or give the credits aforesaid; and whereas, the State does not lose any thing to which it was originally entitled by granting relief; and the case of said sheriff presenting equitable considerations to this General Assembly, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts, on presentation of the original assessor's books of Mercer county for 1869, be, and is hereby, directed to compare same with the copy of said books on file in his office; and if he find said sheriff has been charged too much taxes for said year, he will allow him a credit for the same on said sheriff's revenue account for 1871, with interest thereon from the 15th of February, 1870, the time said excess was paid.

§ 2. That said Auditor is hereby authorized and directed to allow said sheriff a credit for the amount of the delinquent taxes and exonerations for 1869 and 1870, as recited in the preamble to this act, with interest thereon from the 1st of June, 1870, the time when said judgment commenced drawing interest.

§ 3. That said sheriff be, and he is hereby, released from the damages on the judgment recited in the preamble to this act.

§ 4. That this act be in force from and after its passage.

Approved January 17, 1872.

CHAPTER 78.

AN ACT authorizing the clerk of the Fleming county court to make up and correct omissions in the records of said court.

WHEREAS, It appears that the records of the proceedings of the Fleming county court, for some time previous to

1872.

the 4th of September, 1866, are deficient and incomplete, the same appearing only upon the minute books in a brief form, they never having been made up in full and entered upon the order-books of said court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present clerk of the Fleming county court proceed to supply the deficiency in the county records of said county by making up in a complete form, and transferring the same to the order-books of said county court, all the proceedings and orders of said court as shall appear upon the minute-books and not heretofore made up in full and spread upon the order-books: *Provided, however,* That the deficiencies and omissions sought to be supplied by this act shall have existed prior to the 4th day of September, 1866.

§ 2. That when said orders shall have been completed as required by the first section of this act, it shall be the duty of those who were acting as presiding judge or judges of said county court of Fleming county at the various terms and special terms thereof at which said orders were made and proceedings had, if living, to sign the same for each term aforesaid, when said orders shall be as binding, and have the same legal effect, as though duly made up and signed at the time.

§ 3. That the said clerk of said court, for the services rendered in conformity with the provision of this act, be allowed the same compensation now allowed by law to the circuit and county court clerks of this Commonwealth for making records for the Court of Appeals and other transcripts, to be allowed by the county court of said county at its court of claims, and paid out of the fund arising from county levies, or any other money in the treasury of said county not otherwise appropriated.

§ 4. This act shall take effect from its passage.

Approved January 18, 1872.

CHAPTER 70.

AN ACT to authorize a committee appointed by the Kenton county court of claims to sell the poor-house farm of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Coleman, W. L. Manson, and George G. Perkins, a committee appointed by the court of claims of Kenton county at its October term, 1871, for the purpose hereinafter named, be, and as such they are hereby, authorized and empowered to sell and convey, by proper deed of conveyance, the farm and its appurtenances at

present owned and used by said county as a poor-house farm.

1872.

§ 2. That said committee be, and it is hereby, authorized to sell said farm in lots or parcels, or to sell a part of the same, reserving to the county a part.

§ 3. That said committee be, and it is hereby, empowered to reinvest all, or any part, of the funds derived from such sale, in other lands and buildings, or either, for poor-house purposes, the title to which shall be taken in the name of the justices of the Kenton county court, and their successors in office forever.

§ 4. That before any contract of sale, as provided for in sections one and two of this act, and before any contract of purchase, as provided for in section three of this act, shall take effect, or be binding, the same shall be ratified and confirmed by the court of claims of Kenton county, or by the county court of said county, a majority of the justices sitting.

§ 5. This act shall be in force from and after its passage.

Approved January 18, 1872.

CHAPTER 80.

AN ACT for the benefit of the Garrard County and Kirksville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the capital stock of the Garrard County and Kirksville Turnpike Road Company be, and the same is hereby, increased to fifteen thousand dollars, divided into shares of fifty dollars each.

§ 2. This act shall take effect from and after its passage.

Approved January 18, 1872.

CHAPTER 81.

AN ACT for the benefit of the Maysville and Lexington Railroad Company, Northern Division.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to enable the Maysville and Lexington Railroad Company, Northern Division, to finish and thoroughly equip its road now under construction from Maysville, in Mason county, to Paris, in Bourbon county, it shall be lawful for said company to borrow any sum of money not exceeding one hundred thousand dollars, and may make

May borrow money, and issue bonds to secure the same.

1872.

and issue its bonds therefor, to be due in fifteen years from their date, but payable, at the option of the company, after five years from date, and to bear interest at the rate of seven per cent. per annum, the said interest to be paid semi-annually in gold; and fully to secure the payment of said bonds, and all interest which may accrue thereon, it shall be lawful for said company to make and execute a mortgage upon its said road, its franchises and property, which said mortgage, when executed, acknowledged, and recorded, shall be a lien upon said road, its franchises and property, of every description, for the payment of said bonds, interest, and all costs which may accrue thereon; but the lien of said mortgage shall not, in any manner, affect or impair the priority of the lien of the mortgage already existing upon said road, for the full amount of the debt said existing mortgage is intended to secure.

Directors may
elect a vice
president.

§ 2. That whenever it may be deemed necessary by the board of directors of said company to elect a vice president to serve in the absence of the president, or his inability to act, it shall be lawful for them to choose a member of the board to serve as vice president, who shall, in his absence, or during the inability of the president, perform all the duties of the president; and for such services he may so perform the directors may make him reasonable and just compensation, to be deducted from, and paid out of, the salary of the president.

County judge
of Mason to
vote stock sub-
scribed in said
county at all
elections.

§ 3. That it shall be lawful for the county judge of Mason county, at all future elections for directors of said company, to vote all the stock subscribed by said county in said railroad for which no certificates of stock, at the time of said elections, shall have been claimed by the taxpayers, or issued to them by the company; and all stock in said railroad subscribed for by said county of Mason, for which certificates shall not have been claimed or issued as aforesaid, after three years from the 1st day of January, 1872, shall be issued by the railroad company to the county court of Mason county, to be held in trust by said county court for the use of the tax-payers entitled thereto, or their heirs, and delivered up on proper claim; and this act shall take effect from and after its passage.

Approved January 19, 1872.

CHAPTER 82.

1872.

AN ACT to authorize the county court of Meade county to make a levy, and pay debts already contracted by said court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Meade county be, and it is hereby, authorized, for the year 1872, and each succeeding year, to levy, in addition to the levy now authorized by law, a tax of not exceeding three dollars upon each tithe in said county, and not exceeding thirty cents on each one hundred dollars' worth of taxable estate subject to assessment for revenue purposes in said county, until a sum sufficient to pay the debt already contracted by said court, and the costs of collecting the same, shall be raised.

§ 2. That this act shall be in force from its passage.

Approved January 19, 1872.

CHAPTER 83.

AN ACT to amend the charter of the Harrison County Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Harrison County Agricultural and Mechanical Association be, and they are hereby, authorized and empowered to borrow money to pay any indebtedness incurred in carrying out the objects and purposes of said association under and in accordance with the provisions of its charter; and said president and directors may execute a mortgage or mortgages upon the real estate belonging to said association to secure the payment of the money so borrowed.

May borrow money, and secure the loan by mortgage.

§ 2. That should a foreclosure of any mortgage executed under the preceding section become necessary to pay any debt requiring a sale of only a part of the real estate of said association, the president and directors thereof may direct the whole of it to be sold, and proceeds held subject to division among the stockholders of the association, or to be reinvested at their option.

§ 3. That whether any mortgage be executed as hereinbefore provided or not, that the board of directors, with the consent of a majority of the stockholders, may sell and convey the real estate of said corporation, and out of the proceeds pay the liabilities and reinvest the remainder in other property, to be held and used for like purposes and objects as those contemplated in the original act of incorporation.

§ 4. This act shall take effect from and after its passage.

Approved January 19, 1872.

1872.

CHAPTER 85.

AN AOT for the benefit of Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Crittenden county be empowered to sell and convey the county poor-house farm of said county, and reinvest the proceeds of said sale in a poor-house farm in a more suitable situation in said county, if said county court should deem it expedient so to do.

§ 2. This act shall take effect from and after its passage.

Approved January 19, 1872.

CHAPTER 86.

AN AOT to authorize the Hancock county court to increase the county levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hancock county, at its next March, April, or May term, a majority of the justices of the peace being present and concurring, may, and is hereby authorized, to increase the county levy of said county twenty cents on each one hundred dollars' worth of taxable property in said county; and the said additional levy of twenty cents on the one hundred dollars shall be laid, collected, and disbursed in the same manner, under same penalties and responsibilities, and for the same purposes, as other county levy; and that such increase tax is authorized for the year 1872, and such other years as the court may see proper to levy for.

§ 2. This act shall take effect from its passage.

Approved January 19, 1872.

CHAPTER 87.

AN AOT for the benefit of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Warren county, a majority of the justices of said county being present and concurring, may sell the property now occupied and used for poor-house purposes, and reinvest the proceeds of such sale in other property, to be used for the benefit of all the poor of said county.

§ 2. That the said county court may, in addition to the proceeds of the sale of said poor-house property, appro-

priate such amounts of money as they may deem necessary to secure suitable property to be used for poor-house purposes; but the number of acres so purchased shall not exceed four hundred. And said county court may levy a tax for the purpose of paying for said property and providing for the poor of the county.

§ 3. This act to take effect from its passage.

Approved January 19, 1872.

1872.

CHAPTER 88.

AN ACT to amend the charter of the town of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of Winchester shall have full power and authority to open, widen, or extend any street or alley in the mode now prescribed by law in cases of turnpike and plank roads, chapter 103, Revised Statutes.

Trustees shall have power to open, widen, or extend streets, &c.

§ 2. Said board shall have full power and authority to license and tax taverns, coffee-houses, and to grant merchants license; said tax not to exceed two hundred dollars per year for each; but no tavern license is to be granted to any person, excepting to such as have first obtained a license from the county court. This tax is in addition to the State tax.

May license taverns, coffee-houses, &c.

§ 3. Said board shall have full power and authority to prohibit the sale of spirituous and malt liquors on such days or occasions as in their judgment the peace and good order of the town may require, and may inflict suitable penalties for a violation of any ordinance under this section.

May restrict sale of liquors in certain cases.

§ 4. Said board shall have full power and authority to enact any ordinance, not inconsistent with the laws of this State or of the United States, as they may deem necessary for the peace and good order or welfare of the town, and may affix any suitable penalties for the breach or violation of any ordinance so established.

May enact laws and ordinances for said town, and affix penalties.

§ 5. Said board shall have full power and authority to tax all performances or exhibitions for pay, of every sort or description, that shall be exhibited or performed within two miles of the limits of said town.

May tax shows, &c.

§ 6. Said board shall have full power and authority to license and tax billiard saloons, stores, &c., livery stables and butchers, and also to license and tax and regulate the use, for hire, in carrying any freight or passengers, any wagon, cart, dray, or other vehicle, running within the limits of the town, or from the town to the fair grounds or railroad depot, and to affix suitable penalties for any violation of such ordinance.

May license livery-stables, billiard saloons, &c.

1872. § 7. The town marshal shall be a competent witness in any case of any violation of any ordinance of said town.
 § 8. This act shall be in force from and after its passage.

Approved January 24, 1872.

CHAPTER 92.

AN ACT to enable the county of Madison to subscribe to, and to provide means for, an institution of learning in Richmond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Madison
county may
raise funds to
endow a col-
lege.

§ 1. That it shall be lawful for the people of Madison county to donate whatever part of the stock owned by Madison county in the Louisville and Nashville Railroad Company is over and above so much of it as will amply secure the payment of the interest annually, and of the principal at maturity, of all unpaid bonds of said county issued in the building of the Richmond Branch Railroad, to the Synod of Kentucky, connected with the Presbyterian Church in the United States, commonly known as the Southern Presbyterian Church, for founding and maintaining a college for boys, or a university, in the town of Richmond. Said donation or subscription to be made subject to the following conditions and restrictions, namely: That the said Synod of Kentucky shall bind itself to establish and maintain perpetually such proposed college or university, in the town of Richmond; and to provide from other sources, within one year from the date of such covenant, one hundred thousand dollars for the permanent maintenance of such proposed institution of learning; and to instruct perpetually, without charge for tuition, in any departments of the institution, such youth of the county as shall be thereto appointed by the county court of Madison, to the number of twenty-seven, so admitted and present at one and the same time.

§ 2. That the Madison county court, a majority of the justices being present and concurring therein, is empowered, by vote of said court, to make the subscription aforesaid, upon the conditions set forth in section first of this act.

§ 3. That if said county court, a majority of the justices being assembled, shall decline to exercise the power to make said subscription, as hereinbefore provided, it shall be the duty of said court forthwith to enter an order proposing for, and on behalf of, the county, to subscribe to the Synod of Kentucky, connected with the Presbyterian Church in the United States, commonly known as the Southern Presbyterian Church, that part of the

If majority of
justices decline
to act as au-
thorized, then
they shall sub-
mit the ques-
tion to a vote
of the people
of said county.

stock owned by the county named in the first section of this act, upon the conditions and restrictions therein set forth; and after the order is entered, it shall be the duty of the county court to order a vote of the qualified voters of the county to be taken within twenty days after the order is entered, on a day to be named in the order, at the several election precincts in the county, to ascertain the sense of the voters upon the proposition. The election held under such order shall be governed and conducted as required by laws regulating elections. The vote shall be taken for and against the subscription, and the return thereof shall be made to the clerk of the county court within three days after said election shall be held; and within one day after the return thereof the vote shall be counted by the county judge, the sheriff, and the county court clerk, and the county judge shall order the vote for and against the subscription to be entered upon the record of the county court; and if a majority of the votes shall be in favor of the subscription, the court shall order its clerk forthwith to make the subscription upon the conditions prescribed; and if the subscription is accepted by the Synod, it shall be obligatory upon the county.

1872.

If majority vote for said subscription, the court shall make it.

§ 4. That in case the subscription shall be made in either of the modes hereinbefore provided, it shall be the duty of the county court to cause the stock of the county not donated to be sold by the commissioners of the sinking fund, and the proceeds to be invested in other good and solvent securities: *Provided*, That the amount of bonds or other securities purchased with the proceeds of the stock sold, and retained by the county as a sinking fund for the payment of the outstanding bonds of Madison county, shall exceed, in principal, at maturity, the outstanding Madison county railroad bonds at maturity by five thousand dollars: *And provided*, That the annual interest upon the bonds or other securities purchased shall exceed the annual interest upon the outstanding Madison county bonds; and the residue of the county stock shall be transferred by the commissioners of the sinking fund to the aforesaid Synod or their authorized agent, and the certificate of transfer of said commissioners shall entitle the Synod to the stock in the railroad company; and the company shall make the transfer on their books when the certificate shall be presented.

Stocks now held shall be sold and reinvested.

§ 5. That all bonds or securities purchased by the commissioners of the sinking fund under the provisions of section fourth of this act shall be held in the name and for the benefit of the county, and the interest accruing upon the same shall be received and applied by the commissioners, first, to the payment of the interest on the outstanding

1872. county railroad bonds; and if a surplus shall accrue after the payment of such interest, they shall apply such surplus to the purchase of said bonds as a sufficient amount shall accumulate; and until an amount sufficient to purchase a bond or bonds shall accumulate, the surplus thus arising shall be invested in some safe and profitable manner, as shall be directed by the county court; so that when, at any time, it shall be wanted for the purchase of county bonds, it can speedily be converted into cash; and after the entire railroad debt of the county is discharged, any surplus of bonds or money, or securities, which shall remain from the proceeds of the sale of stock, or acquired in any way therefrom, and constituting a part of the sinking fund, may, by appropriate order of the county court, be transferred to the credit of the aforesaid Synod, subject to the restrictions and conditions named in the first section of this act.

§ 6. This act to take effect from its passage.

Approved January 24, 1872.

CHAPTER 95.

AN ACT to amend an act, entitled "An act revising the charter of the city of Paducah."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

City of
Paducah may
take stock in
railroads.

May issue
bonds to pay
for said stock.

That an act, entitled "An act revising the charter of the city of Paducah, Kentucky," approved 11th February, 1871, be, and the same is hereby, so amended as to authorize the city of Paducah, Kentucky, to take stock to an amount not exceeding three hundred thousand dollars, upon such terms and conditions as said city may, by ordinance, prescribe, in one or more railroad corporations created by the Legislature of the State of Illinois, and terminating on the Ohio river, opposite said city, or within said city limits, and to pay for said stock at par in the bonds of said city, payable at such time and place, and in such amounts, and bearing such rate of interest, not exceeding eight per cent. per annum, as the city council of Paducah may, by ordinance, determine; said bonds to have coupons attached representing the interest, payable semi-annually, at such time and place as said city council may, by ordinance, determine; and to further the objects and purposes of this amendment, the said city council are hereby vested with full power and authority to appoint such agents as they may deem necessary to effectuate and fully accomplish the objects and purposes of this amendment; all such agents to be appointed by ordinance or resolution; and the said city

council of Paducah is hereby vested with power and authority to levy and collect, from the property-owners of said city, and upon all property now, or which may hereafter be, assessed for revenue purposes for the State, an amount sufficient to pay the interest on all and any bonds issued by said city under this amended charter, as the same matures, and the principal of said bonds at maturity; and before any such ordinance providing for a subscription of stock to any railroad corporation under this charter shall become valid and binding on said city, the same shall be submitted to the qualified voters of said city, and receive a majority of all the voters of said city voting at said election; and that all that part of said act to which this is an amendment, which is inconsistent herewith, is hereby repealed.

1872.

May levy tax to pay off said bonds.

Question of such subscription to be submitted to voters of said city.

Approved January 24, 1872.

CHAPTER 96.

AN ACT to prevent the destruction of fish by fish-nets in Cumberland river, within the limits of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to spread a fish-net in the Cumberland river, or any of its tributaries, within the limits of Trigg county.

§ 2. Any person or persons violating this act shall be fined not less than five nor more than twenty dollars for the first offense, and not less than fifteen nor more than fifty dollars for the second offense, to be recovered before any justice of the peace in whose district said offense may be committed.

§ 3. This act shall be in force from its passage.

Approved January 24, 1872.

CHAPTER 97.

AN ACT for the benefit of Thomas Hunt, of Pike county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thomas Hunt, of Pike county, Kentucky, be, and he is hereby, authorized to erect and keep a mill and dam in and across Pond creek, in Pike county, at or near his residence and on his farm, at such place as he may select.

1872. § 2. The said dam not to be erected more than five feet in height.
 § 3. This act to take effect from its passage.

Approved January 24, 1872.

CHAPTER 98.

AN ACT to amend the charter of the Bank of America, of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second (2d) be so amended, that the said bank shall be under the control and direction of a board of directors, to consist of not less than five nor more than twelve.

§ 2. That this act shall take effect from and after its passage.

Approved January 24, 1872.

CHAPTER 99.

AN ACT to amend an act for the benefit of the police judge of the town of Hawesville, Hancock county, approved February 10, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act for the benefit of the police judge of the town of Hawesville, Hancock county, be, and the same is hereby, amended, by adding after the word "court" the words, "at such times and in such months as he may deem proper."

Approved January 24, 1872.

CHAPTER 100.

AN ACT for the benefit of Munroe T. Shelburn, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of Munroe T. Shelburn, of Ballard county, for seventy-eight dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved January 24, 1872.

CHAPTER 101.

1872.

AN ACT to authorize the trustees of Louisa to lease portions of the public grade belonging to said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Louisa, Kentucky, be, and they are hereby, authorized and empowered to lease, for the purpose of moving water crafts or boats, any portion of the public grade belonging to said town, not exceeding three fourths of the water front thereof, for a period of not longer than twelve months at one time; the moneys arising from said lease, when collected, to go into the comon treasury of said town.

§ 2. This act to take effect from its passage.

Approved January 24, 1872.

CHAPTER 102.

AN ACT for the benefit of Jas. D. Hatchett, of Henderson county.

WHEREAS, Jas. D. Hatchett, of Henderson county, listed his taxable property with the assessor of said county, for the year 1870, at the sum of twenty-eight thousand one hundred and eighty dollars; and whereas, by a mistake of the clerk of the county court of said county of Henderson, made in copying the assessor's books for the Auditor of Public Accounts, and the sheriff of said county, said Hatchett was charged with, and compelled to pay, taxes on thirty eight thousand two hundred and thirty dollars (\$38,230), instead of on the amount at which he listed his property; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of Jas. D. Hatchett, for the sum of forty-five dollars and twenty-two cents (\$45 22), being the amount overpaid by him on his taxable property for the year 1870.

§ 2. This act shall take effect from its passage.

Approved January 24, 1872.

1872.

CHAPTER 103.

AN ACT for the benefit of Isabella Oxley, of Rowan county.

WHEREAS, It is represented to this General Assembly that Isabella Oxley, a widow woman, donated to the county of Rowan five acres of land upon which to erect its public buildings, and after erecting the same the said county laid off into town lots about three acres of said land, and realized by the sales thereof about the sum of \$1,000; and whereas, said Isabella Oxley is now old and very poor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Rowan county be, and the same is hereby, authorized, at the court of claims thereof in the year 1872, to allow Isabella Oxley a sum of not exceeding three hundred dollars, to be listed by the county clerk as a claim against said county, and to be paid by the sheriff of said county out of the county levy for said year 1872 as soon as collected.

§ 2. That said county court may make a sufficient levy to pay off said claim, in addition to any other claim or claims that may be allowed for said year against said county.

§ 3. That said sum shall be exempt from attachment, levy, or appropriation in any way, except as herein provided, and the same shall be paid directly to Isabella Oxley by said sheriff as aforesaid.

§ 4. This act shall be in force from and after its passage.

Approved January 24, 1872.

CHAPTER 104.

AN ACT authorizing the county court of Nicholas county to purchase any interest, right, or franchise, in and to turnpike roads situate in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Nicholas county, being composed of the presiding judge and a majority of the justices thereof, shall have power, in their discretion, to contract for, or purchase at public sale, any interest, right, franchise, or shares of stock, in any turnpike road in said county that may be sold privately, or by decree of a court; and they may levy a tax on each one hundred dollars' worth of all the taxable property in said county, subject to taxation for revenue purposes, sufficient to pay

for the same, or discharge any obligation they may create under this act.

1872

§ 2. This act shall be in force after its passage.

Approved January 24, 1872.

CHAPTER 105.

AN ACT to regulate the sale of spirituous and vinous liquors in Uniontown and Caseyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, either vinous, spirituous, or malt liquors, in quantities less than one quart, in the town of Uniontown, and within one mile thereof, and in the town of Caseyville, and within one mile thereof, in the county of Union, except for medical purposes, upon a prescription of a practicing physician: *Provided, however,* That this act shall not take effect until ratified by a majority of the qualified voters living within the corporate limits of said towns, and a mile thereof, at an election to be fixed by the president of the board of council for said towns.

Declared unlawful to sell liquor in Uniontown.

Question to be submitted to qualified voters.

§ 2. Any person violating this act, in addition to the penalty now prescribed by statute, shall be subject to a fine of not less than ten nor more than sixty dollars for the first offense, and one hundred dollars for each succeeding offense, to be recovered before the police judge of said towns, or any other court having jurisdiction thereof.

Penalty for violation of law.

§ 3. This act to take effect three months after it shall be ratified by the qualified voters in said towns, as hereinbefore provided: *Provided, however,* This act shall not be so construed as to interfere with the rights of any tavern-keeper, whose license shall not have expired at the time this act goes into effect, during the continuance of his said license.

Approved January 24, 1872.

CHAPTER 107.

AN ACT authorizing the clerk of the Nelson county court to make a cross-index to deeds in his office, and transcribe the marriage register in said office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the county court for the county of Nelson be, and is hereby, authorized to make a general

1872. cross-index to all deeds of record in said office, commencing with deed-book No. 28, in a well bound book, to be provided for that purpose.

§ 2. The clerk of said court, and his successors in office, shall hereafter continue to keep up said index as fast as deeds are recorded in said office.

§ 3. The clerk of said court is hereby authorized to transcribe, in alphabetical order, in a well bound book, to be provided for that purpose, the marriage registers in said office, and shall continue the same as fast as certificates of marriages are returned to said office.

§ 4. The court of claims for said county shall make a reasonable allowance for the services to be rendered under the first and third sections of this act, to be paid out of the county levy.

§ 5. This act shall be in force from its passage.

Approved January 24, 1872.

CHAPTER 108.

AN ACT to regulate further the drawing of standing jurors for the Jefferson circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jury commissioners for the Jefferson circuit court, instead of drawing one panel of standing jurors, as now required by law, shall, in the manner now required, draw and return into court a separate panel of standing jurors for each week of the term of the court next succeeding the term at which the commissioners are appointed.

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1872.

CHAPTER 109.

AN ACT to change the boundary line of the city of Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line of the city of Columbus be so changed as to exclude from the limits of said city lots Nos. 866, 867, and 868; also the south half of lots Nos. 856, 857, and 869, as shown on the original plan of said town: *Provided*, That this act shall not exempt said lots

from city taxation sufficient to pay their pro rata share of debts now existing against said city.

1872.

§ 2. This act shall take effect from its passage.

Approved January 24, 1872.

CHAPTER 111.

AN ACT requiring A. W. Blair, late sheriff of Nicholas county, to settle and pay over all public money in his hands.

WHEREAS, A. W. Blair, late sheriff of Nicholas county, has collected money in his official capacity for objects, the legality of which has been contested, and the causes have been decided, leaving the money in his hands unappropriated; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said A. W. Blair shall, after having received ten days' notice of the time and place, make a full and complete settlement of, and account to the county court of Nicholas county for, all money collected by him in his official capacity as late sheriff as aforesaid. The presiding judge of said county may appoint a commissioner, who shall, under the supervision of said judge, settle with said Blair, who shall pay over the amount found to be in his hands as the presiding judge of said court may direct in writing.

§ 2. If said Blair refuses, neglects, or fails to make said settlement when notified, or, after having made the same, shall neglect, refuse, or fail to pay over any money in his hands as by this act required, it shall be lawful for the county attorney of said county, and it is hereby made his duty, to forthwith institute proceedings against said Blair and his securities on his sheriff's or collector's bond, in the county court of said county, by motion or petition, for the amount he has collected and failed to account for, together with the damages now allowed by law against defaulting sheriffs.

§ 3. This act shall be in force from its passage.

Approved January 24, 1872.

1872.

CHAPTER 112.

AN ACT to amend an act, entitled "An act to establish a colored school in the city of Henderson."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section third of an act approved March 10th, 1871, entitled "An act to establish a public school for colored children in the city of Henderson," be so amended as to read, "between the ages of six and twenty years," instead of "between the ages of sixteen and twenty years."

§ 2. This act shall take effect from its passage.

Approved January 25, 1872.

CHAPTER 114.

AN ACT to amend the charter of the Owensboro and Russellville Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company may issue bonds. § 1. That the Owensboro and Russellville Railroad Company may issue and sell the bonds of said company of the denomination of \$500; said bonds to be signed by the president and countersigned by the secretary, to an amount not exceeding fifteen hundred thousand dollars, bearing not exceeding eight per cent. interest per annum, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within twenty years from its date.

May execute mortgage to secure bonds. § 2. To secure the prompt payment of interest and principal of bonds issued by authority of this act, they may execute a mortgage or deed of trust, conveying said railroad and its property and franchises to a trustee or trustees, and from time to time fill vacancies that may occur for the use and to secure the holder of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

Sinking Fund created. § 3. That to create and secure a fund for the final redemption of the mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such a sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually in order to create a fund sufficient to redeem its bonds at maturity, and set apart and pass into the sinking fund that sum; and thereafter, annually, before declaring any dividend, there shall be set aside, and pass into said fund, a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred

for the redemption of said bonds, and shall be used for no other purpose; and the company may loan and reloan the sum thus set apart at any rate of interest not exceeding ten per cent. per annum, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purpose and object of creating said fund: *Provided*, That said company may use any or all of said funds in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

1872.

§ 4. That if the mortgage or deed of trust authorized by the last preceding section shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions; upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the circuit court, where only such proceedings is authorized to be had; such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of Owensboro and Russellville. The persons or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

If mortgage is foreclosed, to be for benefit of all holders of bonds.

§ 5. That the said Owensboro and Russellville Railroad Company shall be exempt from taxation until completed; and that it shall never be taxed at a valuation beyond its actual cost.

Rights and franchises to vest in purchaser.

§ 6. That the president and directors of said Owensboro and Russellville Railroad Company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water-stations, &c.

President and directors may increase capital stock.

§ 7. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or any other State; and may subscribe stock in, or guarantee the bonds of, or aid in the building of, any other road in or out of this State, whenever, in their judgment, it may be the interest of the said Owensboro and Russellville Railroad Company to do so. They may sell the said railroad or lease the same, and may build branches from said road.

May purchase any other road, or aid in building same.

§ 8. That said Owensboro and Russellville Railroad Company may, the holders of a majority in value of all the

May consolidate with any other road.

1872.

stock therein concurring, agree on the terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of mortgage bonds issued by said company, nor the jurisdiction of the courts of this Commonwealth over said railroad.

May receive
donations of
land, &c.

§ 9. That said Owensboro and Russellville Railroad Company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions, to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscribers; and may lease or sell and convey any land so given or subscribed; and any subscription of land heretofore made to said company is legalized. The value of all lands so given or subscribed shall be ascertained by commissioners, to be appointed by the county judge, as hereinafter provided for in section eighteen of this act.

§ 10. That said company may, if deemed advisable by the president and directors of the company, purchase and own or lease steamboats, to be run in connection with said railroad.

Certificates
of stock to be
issued for tax
receipts.

§ 11. That the county clerk of each county subscribing to the capital stock of said company, or in which any town, precinct, or city so subscribing may be situated, shall be appointed a commissioner by the county court of said county, and it shall be his duty, on the surrender to him at his office of receipts given for taxes paid, to pay the bonds, or to defray the interest on the bonds of their respective counties, cities, towns, or precincts, prior to the finishing of the road from Owensboro to Adairsville, in Logan county, to the amount of twenty-five dollars or more, to issue to the holder thereof certificates, setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make a full share. The commissioner shall write or stamp the word "canceled" across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect such a sum per share, for each certificate issued by him, as may be allowed by the county court of the county for which he is clerk. He shall keep a list of the names of those to whom he issued certificates, with the number of the certificate and the number of shares for which each was given, and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 12. That all dividends which shall be received upon the stock, held and owned by any county, city, precinct, or town, in their corporate capacity, under the original charter, or any of the amendments thereto, shall be, and are hereby, set apart and held sacred as a sinking fund, to be only used for the payment of the principal and interest of the bonds issued by said counties, precincts, towns, and cities.

1872.

Dividends to be set apart as sinking fund to pay off bonds of counties, &c, subscribing stock.

§ 13. That one half of the tax levied in any one year by any county, city, town, or precinct, to pay interest on bonds issued or for railroad purposes, shall be collected by the sheriff, collector, or officer in whose hands the same may be placed for collection, and paid over to such persons as shall be appointed to receive same, either by the county court, city, or precinct, under the original charter, or any of the amendments thereto, in one hundred and twenty days after the same is placed in his hands, and the residue within six months after the first ought to have been paid. That if any sheriff or collector, or other officer, having in his hands for collection taxes levied under the original charter of the company, or any of the amendments thereto, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

Mode and manner of collecting taxes levied to pay subscriptions.

§ 14. That whenever any precinct has or may hereafter vote a subscription to the capital stock of the company, that the assessor of the taxable property of the county shall make out, on a separate book, all the taxable property of said precinct; and upon his assessment thus made the judge of the county shall levy a tax as has been provided in the original charter of the company, and the amendments thereto, sufficient to pay the interest on the bonds issued by said precinct, and the principal of the bonds so issued as said bonds may mature; and the county judge shall appoint supervisors living in said precinct to revise said assessments, the supervisors to be governed and controlled by the same laws now governing the supervisors appointed for the county; and the supervisors in making this revision shall meet at the voting place of said precinct; and the assessor shall be allowed for making this assessment for the precinct the same fee per list that he is allowed in making assessment for the county.

County assessor to keep separate book for tax for benefit of said road.

§ 15. That the said company, the holders of a majority in value of all the stock therein concurring, are authorized to construct a road in connection with their present road,

May make connections or build branch roads.

1872.

to some point on the Ohio river to make connection with the Rockport road, or to make connection with any road touching the Ohio river north, or to make a branch from any point on their road to Madisonville, in Hopkins county, or to continue their road from the terminus at the State line to Nashville (provided authority is given by the State of Tennessee, so far as the road passes through that State), or to make a road from any point on their road to the city of Louisville, with the same rights, privileges and powers, and franchises that they have under their original charter, or the amendments thereto, and the same rights to open books for subscription to any and all of said roads, and to take votes making subscriptions to same from any county or precinct, under the same provisions and conditions granted in their original charter, or any of the amendments thereto: *Provided*, That it shall be left to the discretion of the county court of every county in which it may be proposed to submit the question of a subscription to any road herein provided for, to submit such proposition to the qualified voters of such county, town, or precinct in which it is proposed to submit such proposition; but it shall be the duty of the presiding judge of each county to call such county court together, upon the request of the directors of said road, for the purpose of determining whether such proposition of subscription shall or shall not be submitted to such vote.

May make by-laws, rules, and regulations.

§ 16. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its proper business and affairs, as they may deem proper: *Provided*, The same are not inconsistent with this act, or with the Constitution and laws of the United States and of this State, and may alter or amend or repeal said by-laws and rules at will.

County court to appoint commissioners to value lands, &c., and report to said court.

§ 17. That upon application by said company to the county court of any county into or through which it is proposed to construct said railway, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road, or whenever the land or material required for the site or construction of said road shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or

1872.

owners of such material or land shall be entitled, and to make out and return to the office of the clerk of the county court of the county in which the land so required may lie, a report, in writing, particularly describing the land or other material valued, and the amount and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether such owner be an infant, *feme covert*, or *non compos mentis*. The clerk of such county shall receive such report, and file the same, with his indorsement thereon of the time of filing the same; if the owner resides in the county he shall forthwith issue a summons commanding the owner of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer into whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at the next term of said court, commencing not less than ten days after the service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon the exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land or material sought to be condemned for said road, or other thing proposed to be taken, shall find for the owner or owners of the land actual value of the land or other thing proposed to be taken; but in estimating the damages resulting incidentally to the other land or other property of such owners, they shall set off said damages against the advantages to such residence to be derived from the building and operating of said road by, through, or near said residence: *Provided*, That the land condemned for said road-way shall not be more than sixty feet wide, unless said company shall file with the court, at the time of applying for the appointment of commissioners, the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the requisition shall be for the quantity thus stated.

§ 18. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repair of said road, or their necessary works or buildings, the president

May use property without waiting for final action on report of commissioners.

1872.

and directors, or their agents, or those contracting with them for the construction or repair of the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed, as hereinbefore provided; and it shall not be necessary, after such view, in order to use and occupy the same, to await the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether began before or after such confirmation or payment of said valuation.

§ 19. That this act does not repeal any of the original charter of the company, or any of the acts or amendments thereto, or any parts of same, except those parts and sections specially set forth and named in this act as repealed, and except such clauses or sections, or parts of same, as may conflict with this act.

§ 20. That section four of an act to amend an act, entitled "An act to incorporate the Owensboro and Russellville Railroad Company," approved March 15, 1870, is hereby amended, so as not to apply to the collector in and for Logan county. The collector appointed by the county court of Logan county, under the provisions of the charter and its amendments, shall receive for his services such pay as shall be agreed upon between him and the said county court.

§ 21. This act to take effect and be in force from and after its passage.

Approved January 27, 1872.

CHAPTER 115.

AN ACT to authorize the Graves county court to sell the old clerk's office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Graves county court are hereby authorized to sell the brick tenement on the northwest corner of the public square, in the town of Mayfield, once occupied as the county and circuit court clerk's office, on such terms and credit as said court may deem advisable; and either direct that said tenement may remain on said square so that none of the square, save the ground upon which it stands, shall be inclosed, or the free passage of the public hindered, or that said tenement be removed in a given time; but the determination of the court shall be made before said tenement is exposed to sale.

§ 2. The court, for the purposes set out in the preceding section, shall consist of the county judge, and the justices of the peace then in office for said county, or a majority thereof, and the county judge shall be authorized to summons together said justices of the peace at such time as he may designate for such purpose; and if said court shall determine to sell said tenement, it shall appoint a commissioner to advertise and sell the same, and make a deed of conveyance; but no sale of the ground whereon said tenement stands shall be made, nor shall any other tenement be erected thereon; but nothing herein shall be construed to prevent the purchaser from repairing, from time to time, the tenement so sold.

1872.

§ 3. And this act shall go into effect upon its passage.

Approved January 27, 1872.

CHAPTER 116.

AN ACT to repeal an act, entitled "An act to prohibit the sale of ardent spirits in Breathitt county," approved February 7th, 1868.

WHEREAS, On the 7th day of February, 1868, the Governor of this Commonwealth approved an act, entitled "An act to prohibit the sale of ardent spirits in Breathitt county;" and at the August election, 1868, said act was submitted to the legal voters of said Breathitt county for ratification or rejection; and whereas, it satisfactorily appears to this General Assembly that the provisions of said act was not fully understood by the voters of said county at the time they voted upon it; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act, entitled "An act to prohibit the sale of ardent spirits in Breathitt county," approved February the 7th, 1868, be, and the same is hereby, repealed; and all the sales of ardent spirits made in said county, falling under the provisions of said act, are hereby legalized.

§ 2. This act shall take effect from its passage.

Approved January 27, 1872.

CHAPTER 117.

AN ACT authorizing the sale of lands belonging to Saint Teresa Catholic Church, in Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. William McCloskey, Catholic Bishop of the Diocese of Louisville, Kentucky, be, and he is hereby,

1872. authorized and empowered to sell and convey to the sisters of Nazareth such portion of the lands belonging to the Catholic Church of Saint Teresa, in Meade county, as may be deemed advisable, for the purpose of establishing thereon a school, to be under the management and control of said sisters of Nazareth.

§ 2. That said sale and conveyance shall be made by, and with the advice and consent of, the trustees of said church or congregation; which consent shall be in writing, attached to the deed of conveyance, and acknowledged before the clerk of the county court of Meade county, before it is admitted to record.

§ 3. That this act shall take effect from and after its passage.

Approved January 27, 1872.

CHAPTER 119.

AN ACT for the benefit of the Pine Knob Turnpike Company.

WHEREAS, The president and directors of the Pine Knob Turnpike Company have completed their road the entire length, which is about two miles; and whereas, the said road has been constructed according to the requirements of the charter of said company; and whereas, there are four bridges on said road, making the expense in building said road more than ordinary; now, in consideration thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president, directors, and company of the Pine Knob Turnpike Company be, and they are hereby, authorized to erect a gate on said road, and charge and collect for travel on the same one half of the tolls usually collected at gates which are five miles apart.

§ 2. This act shall take effect from and after its passage.

Approved January 27, 1872.

CHAPTER 120.

AN ACT to amend an act for the benefit of Boone county, approved January 30, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved January 20th, 1871, authorizing the county court of Boone county to change roads in said county, be, and the same is hereby, amended by

adding the word "yard" after the word "orchard," making it read run through any orchard or yard if necessary. 1872.

§ 2. This act to take effect from its passage.

Approved January 27, 1872.

CHAPTER 122.

AN ACT to protect fish in Drake's creek, in Simpson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person or persons to catch or take fish out of Drake's creek, in Simpson county, with a seine, net, drag, or traps; and any person or persons violating this act, or aiding in the same, shall be fined each twenty dollars, recoverable in the quarterly court, or any justices' court, in Simpson county, by warrant of arrest or summons in the name of the Commonwealth.

§ 2. This act shall be in force on and after the first day of March, 1872.

Approved January 27, 1872.

CHAPTER 123.

AN ACT to incorporate the Louisville Car-wheel and Railway Supply Company.

WHEREAS, Articles of incorporation were duly executed under the general laws of this Commonwealth, as acknowledged and of record in the clerk's office of the Jefferson county court, creating and establishing the Louisville Car-wheel and Railway Supply Company, which corporation has been organized and in operation since the — day of June, 1871; and whereas, the success and usefulness of said company may be greatly promoted by having authority to construct a branch railroad to its works, and other powers not authorized by the general corporation laws of this Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (A majority in interest of the stockholders of said company accepting the provisions of this act in lieu and substitution of their said articles of incorporation) that E. D. Standeford, Joshua F. Speed, J. W. Henning, Norvin Green, Albert, Fink, John E. Green, and J. M. Monohan, and their associates and successors, be, and they are hereby, created a body-politic and corporate, by the name and style of the Louisville Car-wheel and Railway Sup-

Corporators
names, and cor-
porate style.

Corporate
powers.

1872. ply Company, for the purpose of conducting, principally at the city of Louisville, the manufacture and sale of railroad car-wheels, and the manufacture or the purchase and sale of such railroad supplies, and kindred works or materials incident thereto, as said company may determine to deal or engage in, by the concurrence of a majority in interest of the stockholders; and said corporation may, by such name and title, sue and be sued, plead and be impleaded; and may have and use a common seal, and the same alter or abolish at pleasure.

Capital stock. § 2. The capital stock of said company shall be fifty thousand dollars, in shares of one hundred dollars each, distributed, held, and contracted as already stipulated by the agreements of said corporators; which capital stock may be increased, from time to time, by authority of a majority in interest of the stockholders, in such manner, on such terms and conditions, and to such amount, not exceeding the aggregate sum of two hundred thousand dollars, as said company shall direct.

Board of directors to have control of affairs. § 3. The general management of the company shall be vested in a board of five directors, who shall be chosen annually by the stockholders at an annual meeting to be held at the office of the company, in the city of Louisville, on the first Wednesday in June of each year; and the board of directors shall, at their first meeting in June, or early subsequent meeting each year, elect a president, a secretary, and treasurer, and a superintendent. The directors and officers named to hold office until their successors are duly elected and qualified.

May make necessary by-laws, rules, and regulations. § 4. The code of by-laws adopted by said company, and which may be altered or amended by the stockholders, a majority in interest concurring, shall fix and define the scope and power of the board of directors; increase or reduce the number thereof; define the powers, duties, and responsibilities of the officers named, and of such other officers and agents as it may be found necessary or expedient to employ; and shall establish such other general rules for the government of said company, and the conduct of its business, as the stockholders may deem proper: *Provided*, Nothing in said by-laws shall conflict with the laws of the United States or of this Commonwealth.

May purchase, hold, sell, and convey real estate. § 5 The said company shall have power to purchase and hold real estate for the use of its shops and works as it may deem fit, not exceeding in cost value the sum of one hundred thousand dollars; and may sell and convey the same, or any part thereof, at pleasure; may erect, purchase, or hire buildings and machinery; and to aid in such purchases and building, and in purchases of iron pigs and other materials, or supplies and wares in which it may deal, said company shall have power to create debts to the

aggregate amount of not exceeding one hundred thousand dollars; for which debts, or any part thereof, said company may make and issue its promissory notes, bills of exchange, or other form of obligation; and may, to the extent of fifty thousand dollars, being one half the whole amount of indebtedness on original obligations authorized, make and issue its bonds in sums of five hundred dollars or less, having not more than fifteen years to run, and bearing a rate of interest not exceeding ten per cent. per annum, with coupons for semi-annual interest attached thereto; and may secure said bonds by a mortgage lien on the real and personal property of the company; and such bonds, promissory notes, bills of exchange, or other obligations, or any part thereof, may be discounted, sold, pledged, or hypothecated, to meet the liabilities of the company, or raise money for its operations, at such time or times, to such parties, and on such terms and conditions, as the board of directors shall authorize or may approve.

1872.

May issue
bonds to secure
debts of com-
pany.

§ 6. Said company may also receive notes, bills of exchange, bonds, or other securities, obligations, or evidences of debt, in payment for its manufactures, wares, or other properties sold, or of its claims or demands; and may indorse, assign, and discount, sell, pledge, or hypothecate such notes, bills, bonds, or other securities, at such time or times, to such parties, and on such terms and conditions, as the board of directors shall authorize or may approve.

§ 7 Said company shall have power and authority to construct a railway or railways not exceeding an aggregate length of ten miles, connecting its shops and works with any of the railroads terminating at Louisville with its storage yards, and with the Ohio river navigation; and for the purposes of such construction shall have power to take and condemn lands for right of way, switch-tracks, turn-tables, and terminal storage room, to the same extent, and by the same legal form and process, as that designated in the act incorporating the Louisville Railway Transfer Company, and granted to that company: *Provided*, That on application, describing the line or lines of connecting railway proposed to be constructed, the general council of the city of Louisville shall consent to such construction, and designate the general route thereof.

May have power to build and operate roads, and condemn lands for use of company.

§ 8. This act to take effect from and after its acceptance by the stockholders of said company, and be and remain in force for thirty years, unless sooner dissolved by agreement of three fourths in interest of the stockholders of said company; but the acceptance of this act shall not vitiate any existing rights or obligations of said company created under its previous organization; nor shall its dissolution at any time affect or vitiate its claims or obligations that may exist at the time. The stockholders shall

1872. have no personal liability for any obligations of the company beyond what they may owe on stock subscriptions not fully paid up.

Approved January 30, 1872.

CHAPTER 124.

AN ACT to amend the charter of the Bowling Green Water-works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirteen of an act, entitled "An act to charter the Bowling Green Water-works Company," approved February 7, 1868, be so amended as to require the mayor and council of Bowling Green to elect five persons as water-works commissioners, instead of leaving it discretionary with said mayor and council to elect or not.

§ 2. This act to be in force from its passage.

Approved January 30, 1872.

CHAPTER 125.

AN ACT to repeal an act, entitled "An act to incorporate the Ludlow Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Ludlow Turnpike Company," approved February 18th, 1864, be, and the same is hereby, repealed.

Approved January 30, 1872.

CHAPTER 126.

AN ACT to amend the charter of the town of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said town now in office and performing their duties be, and they are hereby, vested with authority to fill said board of trustees by appointment, the persons appointed to hold their office till the next regular election of trustees for said town.

§ 2. That hereafter the trustees of said town shall not have the power to levy an ad valorem tax on the property in said town exceeding forty cents on each one hundred dollars' worth of property listed therein, and then upon

no personal property, except such as is actually kept within the limits of said corporation for the purposes of use, speculation, or trade, and on hand at the time fixed by law for the assessment of the property of said town.

1872.

§ 3. That hereafter no person shall be a legal voter, in election of trustees and other officers of said town, until they shall have attained to the age of twenty-one years, and lived in the State, county, and district, as prescribed by the State Constitution for State elections.

§ 4. That all laws conflicting with this act are hereby repealed; and this act shall take effect from its passage.

Approved January 30, 1872.

CHAPTER 127.

AN ACT to amend the charter of the town of Carlisle, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Carlisle be so extended as to include within its limits the following boundary, to-wit: Beginning at the bridge across Brushy Fork, on the Carlisle and Jackstown Turnpike Road, upper route; thence with said turnpike to a point opposite to the grounds of Robert Robertson, so as to include them and the buildings thereon; thence southeast, including the lands of Wm. Norvell, Thompson Parks, Hamilton Ham, and Thomas A. Dorsey, and those to whom said Dorsey lately sold lots, to the eastern boundary of said Dorsey's lands; thence with said Dorsey's line in a northward direction, so as to strike the division fence between John Clay and Thos. Kennedy; thence with said fence to the north boundary of said Clay's grounds; thence in a westerly direction, including the grounds and houses of Thos. Tureman, and the vacant lot of Joseph Tureman, leaving Henryville to the right of said line, and outside of the limits of said corporation of Carlisle, but so as to embrace the residence of Mrs. Mildred Rogers within said town corporation; thence southwest, including the cemetery and the residence and grounds of Richard Henry, and the residence and grounds of Wm. T. Henry, lying on the north side of the Maysville and Lexington Railroad, Northern Division, to the point where said railroad crosses Brushy Fork, nearly opposite the residence of Robert Simms; thence with said road in an eastern direction to the first crossing of Brushy Fork; thence with Brushy Fork to the beginning, including all grounds and buildings within said boundary.

Corporate limits extended.

§ 2. No lands within said boundary, taken in by this extension, shall be subject to a town tax, unless the same be

No unimproved lots to be subject to taxation.

1872.

laid off into town or building lots, or shall be improved with buildings thereon; but the residences, yard and garden attached thereto, of all persons included in said boundary, shall be subject to taxation.

Taxes heretofore voted not to be levied on property in new boundary.

§ 3. No tax heretofore voted on said town of Carlisle shall be collectable off of any persons, or levied upon any of the lands and buildings included in the extension of the corporate limits of said town, as herein provided.

Trustees to have lands laid off into lots & streets, & levy tax to pay for same.

§ 4. The trustees of said town may cause the aforesaid boundary to be surveyed and marked; and they may cause to be built, if the owners refuse to do so themselves, a good, substantial brick pavement in front of the residences and lots of all persons living on any street within said town corporation; and may levy a tax on the lots and houses in front of which said pavements shall be built and made, as herein provided for, to pay the expenses of the same; and may cause said property to be sold, unless said expenses are paid, or caused to be paid, by the owners of the same.

Persons failing to pay fines shall work the same out.

§ 5. That whenever any person shall be fined for any offense committed within the corporation of said town, before the presiding judge of the Nicholas county court, or before any justice of the peace of the Carlisle district, or by the police court of said town, and the person so fined shall fail or refuse to pay said fine, and in consequence thereof is sent to jail, it shall be lawful to compel such person to work upon the streets and public grounds, within said corporation, at the rate of two dollars per day, until the amount of such fine is extinguished; but this shall not exempt his property from the payment of the same: *Provided, however,* That said corporation of Carlisle shall, first, by entry upon their records, by the trustees thereof, agree to pay all the fees of the jailer for his services in such cases.

May prevent stock from running at large.

§ 6. The trustees of said town of Carlisle shall make orders against stock running at large upon the streets of said town, and compel the owners of such stock to keep up the same, by fine or otherwise, in their discretion.

May submit all taxes to qualified voters of said town.

§ 7. Said corporation may, at any time, on submission to the qualified white voters of said corporation by the trustees thereof, vote a school tax, for the purpose of building school-houses or paying teachers, not to exceed one dollar on the hundred dollars' worth of taxable property within said corporation, except the property of negroes, who shall not be taxed therefor. The trustees may submit at such times, and in such manner as they may deem proper, any proposition herein allowed; and they may regulate how, where, and by whom such elections shall be held; and whenever a majority of the votes cast are in favor of the tax, said trustees shall levy and col-

lect the same, and apply it to the purposes herein designated.

1872.

§ 8. The trustees of said town shall tax all persons owning or keeping bars or shops where whisky, wine, gin, brandy, or any spirituous liquors, or ale, cider, or lager beer is sold by the small or drink, within the limits of said town, not less than thirty dollars nor more than three hundred dollars per year for each of such bars or shops; and a tax of not less than ten nor more than fifty dollars shall be levied by them on all persons who sell or vend any spirituous liquors, ale, or lager beer by the quart, or a greater quantity, within the limits of said town. Said taxes, when levied under this act, shall be collected in a manner directed by said trustees, who may order the levy and sale of the contents of any such bars or shops, and the spirituous liquors found in the possession of vendors by the quart, and over that quantity, if the owners thereof refuse to pay said taxes, which, when collected, shall be applied by said trustees to the purpose of erecting school-houses, and paying for those already erected, and paying teachers, within said corporation, and the same shall not be applied to any other purpose.

May tax all taverns, coffee-houses, &c., & use funds to erect school-houses.

§ 9. The trustees of said town shall have full power to carry out all the provisions of this act.

§ 10. This act shall be in force from its passage.

Approved January 30, 1872.

CHAPTER 129.

AN ACT for the benefit of the Mulberry and Consolation Turnpike Road Company, in the county of Shelby.

WHEREAS, It appears that a president and directors of the Mulberry and Consolation Turnpike Road Company have been annually elected, but not at the time fixed by law; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of said company, now acting as such, shall have all the power as if regularly elected, and shall hold their office until the first Saturday in August, 1872, at which time an election shall be held by the stockholders of said company for a president and directors, and annually thereafter on said day.

§ 2. That all the acts of the president and directors heretofore elected, for the purpose of carrying out the objects of said organization, are hereby legalized and held to be valid as if an election for president and directors

1872. had been duly held according to an act, approved January 15th, 1868, entitled "An act for the benefit of the Mulberry and Consolation Turnpike Road Company, in Shelby county."

§ 2. This act shall be in force from its passage.

Approved January 30, 1872.

CHAPTER 130.

AN ACT for the benefit of the common school districts in Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for Cumberland county be, and is hereby, authorized to convene, on the first Monday in May, 1872, and levy a poll-tax, not exceeding one dollar and fifty cents on each male white citizen over twenty-one years of age, in each school district in said county not having a comfortable school-house, for the purpose of building a school-house in the same, or for repairing the old one; but the citizens of one district are not to be taxed for the benefit of another district.

§ 2. That the sheriff of said county shall collect the taxes levied under this act, and be accountable for the same on his county levy bond, and he will pay the amount due each district to the common school trustees thereof.

§ 3. That such levy may be made annually until a sufficient sum of money is raised to build a comfortable school-house, or repair the old one to that extent in each district.

§ 4. That it is made the duty of the school commissioner of said county to report to said court the condition of the school-houses in said county.

§ 5. That this act take effect from its passage.

Approved January 30, 1872.

CHAPTER 131.

AN ACT to amend an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the town of Campbellsville," approved March 21, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of sections first and second of an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the town of Campbellsville, Kentucky," approved March 21st, 1871, as prohibits the presiding judge of the Taylor county court granting license to

hotel-keepers in the town of Campbellsville for vending ardent spirituous liquors, or that prohibits *bona fide* hotel-keepers, with license, vending by retail, or otherwise, spirituous, vinous, or malt liquors within the corporate, or within one mile of the corporate limits of said town, be, and the same are hereby, repealed.

1872.

§ 2. This act shall take effect from its passage.

Approved January 30, 1872.

CHAPTER 132.

AN ACT to prevent the destruction of fish in the stream of Bank Lick, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to drag, or use a seine, net, or trap in the waters of Bank Lick, in Kenton county, for the purpose of catching fish; and any person or persons who shall violate the provisions of this act shall be guilty of misdemeanor, and shall, for each offense, be fined in a sum not exceeding fifty dollars, one half to go to the informer.

§ 2. Persons violating this act may be proceeded against by warrant of arrest or by summons, and any justice of the peace may try such persons.

§ 3. Nothing in the first section of this act shall be so construed as to prevent the use of "minnow nets" in said stream of Bank Lick.

§ 4. This act shall take effect after February 1st, 1872.

Approved January 30, 1872.

CHAPTER 133.

AN ACT to amend the charter of the Harrison County Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Harrison County Agricultural and Mechanical Association be, and they are hereby, authorized and empowered to borrow money to pay any indebtedness incurred in carrying out the objects and purposes of said association under, and in accordance with, the provisions of its charter; and said president and directors may execute a mortgage or mortgages upon the real estate belonging to said association to secure the payment of the money so borrowed.

Said society may borrow money, and execute mortgage to secure the same.

1872.

May sell all
property if
foreclosure is
made for any
debt.

§ 2. That should a foreclosure of any mortgages, executed under the preceding section, become necessary to pay any debt, requiring a sale of only a part of the real estate of said association, the president and directors thereof may direct the whole of it to be sold, and proceeds held subject to division among the stockholders of the association, or to be reinvested at their option.

May sell prop-
erty, if deemed
advisable, and
pay debts.

§ 3. That whether any mortgage be executed as hereinbefore provided or not, that the board of directors, with the consent of a majority of the stockholders, may sell and convey the real estate of said corporation, and out of the proceeds pay the liabilities, and reinvest the remainder in other property, to be held and used for like purposes and objects as those contemplated in the original act of incorporation.

§ 4. This act shall take effect from and after its passage.

Approved, January 30, 1872.

CHAPTER 134.

AN ACT in relation to the Bardstown and Green River Turnpike Road Company.

WHEREAS, It appears that all that part of the Bardstown and Green River Turnpike Road Company lying between the summit of Muldrough's hill and the Hart county line, in Larue county, is not kept in repair by the president and managers of said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and managers of the Bardstown and Green River Turnpike Road Company are hereby authorized to repair all that part of said road lying between the summit of Muldrough's hill and the Hart county line, in Larue county; and when so repaired, they shall be authorized to erect gates and charge tolls, as authorized by the charter incorporating said company.

§ 2. That if the said president and managers of said road shall fail to repair said road, as authorized in the first section of this act, on or before the first day of October, 1872, then, and in that event, it shall be the duty of the county court of Larue county to take charge of all that part of said road lying between the two points mentioned in the first section of this act, and require it to be kept up as a county road: *Provided, however,* That said president and managers, after said road is taken in charge by the county court of Larue, shall not, from and after that time, be authorized to erect gates or collect any tolls on any part of the road lying between the points above designated.

§ 3. That all acts or parts of acts in conflict with this act are hereby repealed. 1872.

§ 4. This act shall take effect from its passage.

Approved January 30, 1872.

CHAPTER 135.

AN ACT-amending section one of an act, approved February 27, 1860, entitled "An act to incorporate the Eminence Cemetery Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

§ 1. That the Eminence Cemetery Company be, and are hereby, authorized to acquire and hold twenty-five acres of land, and receive a conveyance therefor.

§ 2. This act shall take effect from its passage.

Approved January 30, 1872.

CHAPTER 136.

AN ACT to incorporate the Mississippi River Levee Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated, for the purpose of constructing a levee from a point above high water mark, in the city of Hickman, Fulton county, Kentucky, west and southward along the meanderings of the Mississippi river, as near the bank of the same as, under all the circumstances of costs, distance, and safety, may be reasonable, in order to protect the bottom lands subject to overflow from the inundations of the said Mississippi river, under the name and style of the "Mississippi River Levee Company." Said company, when organized as hereinafter specified, shall be, and they are hereby, declared a body-politic and corporate, in act and in law, by the name, style, and title of the Mississippi River Levee Company; and by said name shall have perpetual succession, and all the franchises and privileges incident to a corporation, of contracting and being contracted with, of suing and being sued, plead and be impleaded, answer and being answered, defending and being defended, in all courts of record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to break, alter, or renew at pleasure; to make such by-laws and regulations, not inconsistent with the laws and Constitution of this Commonwealth or of the United States, as shall be necessary, and to do all and every matter and thing which a body-politic or corporation may lawfully do.

Corporate
name and pow-
ers.

1872.
Capital stock.

Corporators' names.

May open books and receive subscriptions to stock.

County court to order sale of property owners to be taken as to accepting provisions of this law.

Mode of procedure in said elections.

§ 2. That the capital stock of said company shall not exceed one million of dollars, to be divided into shares of one hundred dollars each.

§ 3. That George Warren, W. D. Corbett, T. M. French, Henry Campbell, S. W. Lauderdale, John R. Upshaw, A. D. Kingman, S. W. Cochran, R. P. Caldwell, A. B. Enloe, Milton Donelson, P. G. Hines, Locklin Donelson, and H. A. Tyler, are appointed commissioners to solicit subscriptions of stock to said company, any one or more of whom may act; and for that purpose shall open books at the court-house, in the city of Hickman, Kentucky, on the 1st Monday in March, 1872, or so soon thereafter as convenient, and thereafter at such other places, in this State or out of it, as they may deem advisable. The said company for that purpose shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We whose names are hereunto subscribed, promise to pay to the president, directors, and company of the Mississippi Levee Company, the sum of one hundred dollars for every share of stock in said company, and agreeable to an act of the Commonwealth of Kentucky incorporating said company. Witness our hands, this — day of —, 187—."

§ 4. That upon the application of one or more [of] said commissioners to the county court of any county through which said levee may be constructed, or in which any of the land may lie to be protected from inundation by its construction, made at any regular term thereof after the 1st day of March, 1872, said county court shall order an election to be holden within sixty, but not less than twenty days thereafter, the day to be specified in the order, at some convenient place or places in said county, near the line of the proposed levee, the places to be fixed in the order, for the purpose of ascertaining the wishes of all persons owning lands in that portion of the county subject to overflow from the Mississippi river at the highest stage of water, that would be protected therefrom by the construction of the proposed levee, as to the propriety of accepting the provisions of this act; and shall appoint two judges, a sheriff, and clerk, for each voting place at which an election is ordered to be held.

§ 5. That at each voting place the clerk shall open a poll, with two columns, "For the levee," "Against the levee," and shall propound to each voter the question, "Are you for the levee?" If he shall answer in the affirmative, his vote shall be set down in the column "For the levee;" if in the negative, it shall be set down in the column "Against the levee." The votes of all persons over twenty-one years of age, owning lands within the

bounds above specified in section four, shall, if offered, be taken. The election shall, in all other respects, be conducted as elections for members of the General Assembly of the State. The officers shall foot up the vote, and certify the result, and the sheriff shall deliver the certificate to the county court, who shall order the same to be recorded, and the result of the entire election in the county to be certified to the commissioners upon whose application the election was ordered, and to the president and directors of the company when they shall have organized.

1872.

§ 6. That whenever one hundred shares of said stock shall have been taken, or an election ordered and held in pursuance of sections four and five above shall have resulted in favor of the levee, said commissioners, or some one or more of them, shall give twenty days' notice, by publication in the Hickman Courier, that the terms required by the act of incorporation to organize the company have been complied with, and that an election will be held in some suitable place in Fulton county, Kentucky, the time and place to be designated in the order of publication, to choose, by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy in writing, seven directors to conduct the business of said company one year, and until their successors are elected and qualified. Each individual, firm, corporation, or city being entitled to one vote in said election for every share said person, firm, corporation, or city may have in said company; and every person or firm owning land in that portion described in section four of any county wherein an election may have resulted in favor of said levee shall be entitled to one vote for every eighty acres so owned by him; and the seven persons receiving the largest vote shall be the directors of the company.

How and when directors shall be elected.

§ 7. That said directors, so elected, shall elect one of their body as president of said company; and said board, when organized, shall have the power to appoint a secretary, treasurer, and a collector, in and for each county in which a tax shall have been voted, and such officers, engineers, and agents that they may think necessary for the construction of, and attending to, said levee, and pay them such salary, or make them such allowance from time to time, as they may deem right and proper, and the same to dismiss or reappoint at their discretion or pleasure.

Directors to appoint all officers, and fix compensation.

§ 8. That said board of directors shall require of their collectors and treasurer bond, with sufficient security, to be approved by them, for the faithful performance of the duties of their office, and accounting for all moneys that may come into their hands by virtue thereof; and upon their failure to so account, they and their sureties shall be liable to be proceeded against in the circuit court of

May require bond of officers.

1872. any county through which the levee is constructed, after ten days' notice in writing, which courts are hereby authorized to take judgment against said treasurer, collectors, and their securities, for the amount then found to be due and unpaid, and ten per cent. thereon, and shall forthwith issue execution therefor, indorsed "no security to be taken."

May cause surveys of land where levees are necessary.

§ 9. That the board of directors, so soon as practicable after their organization, shall cause to be viewed, surveyed, and marked, by a competent engineer, the route for the proposed levee, beginning at a point in West Hickman, Fulton county, Kentucky, and extend west and southward, with the Mississippi river, to such destination as may be determined upon by said board, but to run as near the Mississippi river, under all the circumstances, as may be by them deemed reasonably practicable; said engineer noting the required height of the levee throughout the whole length thereof, the length of the same, the names of all persons over whose lands it passes, the crossings of all sloughs and drains, their width and depths, and report the same to said board, together with the best estimate they can make of the probable cost of constructing the levee; and upon the route so run and marked the levee shall be made.

May sue out writ of ad quod damnum.

§ 10. That when the owners of lands over which the levee runs refuse to give the right of way, or material necessary for the construction of the levee, or are minors or non-residents, the board of directors may have the said right of way or material condemned by writ of *ad quod damnum*, as authorized in the opening of public roads, provided that not more than one hundred feet in width shall be so condemned.

May levy a tax upon lands protected by levees.

§ 11. That so soon as practicable after the location of said levee, once every year thereafter, the board of directors shall cause to be made out a list and description of all the land, and a list, description, and valuation of the town lots subject to overflow at the highest stage of water in the Mississippi river, lying in each county where the provisions of this act had been accepted in pursuance of sections four and five above, and in rear of said proposed levee, and protected from such overflow by its construction, as also the names of the owners when known, a copy of which shall be lodged in the county court of the county in which the lands lay, and shall thereupon levy and assess a tax not exceeding fifty cents per acre on the same, and of five cents on the dollar in the valuation of the town lots, which said tax they are hereby authorized and empowered to assess and collect, and to continue from year to year, for the construction of said levee: *Provided*, The whole amount to be assessed and collected for such construction shall not exceed in the whole the sum of two dollars per

acre, and twenty cents on the dollar in the valuation of the town lots; but with this express and further proviso, that the said lands as aforesaid shall be subject to be taxed by said board not exceeding ten cents per year per acre, and one cent on the dollar of the valuation of the town lots, to keep the same in good order and repair.

§ 12. It shall be the duty of the collector appointed in pursuance of section seven of this act, on or before the 4th Monday in December, in each year, to collect and pay over to the Treasurer of said company all taxes laid for the purpose of constructing or keeping the said levee in repair; and for that purpose he shall have full power and authority, upon default being made in the payment of the same when the taxes are assessed upon known or unknown owners of the lands, upon same advertisement as is required of sheriffs in making sale of similar property under execution, to sell at public outcry, at the court-house door of the county in which the land lies, so much of any lands upon which the taxes are not paid in due time, as may be necessary to pay the taxes due thereon. A list and description of the lands so sold shall be made out by the collector, and, together with the names of the owners when known, and of the persons to whom sold, and for what price sold, and date of sale, shall be returned to the county court of the county wherein the land lies, and shall be entered of record in a book to be opened and kept therein for the purpose. Any lands so sold by the collector may be redeemed by the owner or owners thereof, at any time within two years from the day of sale, upon him, her, or them paying to the purchaser the price paid for the same, together with thirty per cent. per annum on the amount thereof, together with all costs, charges, and taxes which may have subsequently accrued thereon: *Provided*, That all minors and married women shall have, upon the same terms, the right to redeem within two years after the removal of disabilities of coverture and minority. The board of directors shall fix the per centage for collecting the tax and the fees for the performance of the duties enjoined by this section.

Collector to collect tax and pay same to treasurer.

May sell lands to enforce collection of tax.

§ 13. That the board of directors be, and are hereby, authorized and empowered to purchase for, and in the name of, the company, any or all lands that may be sold for taxes in pursuance of preceding section of this act; and may sell, mortgage, and convey, in fee simple, the same for the purpose of raising money for the construction of said levee, or paying off the bonds or redeeming the stock issued in pursuance of this act.

Directors may purchase lands so sold.

§ 14. That the board of directors shall be, and are hereby, authorized to accept conveyances, in fee simple, to said company, from the owners thereof, any portions of the

May receive donations to aid in their work.

1872. lands to be protected by the levee, in payment of taxes due from the owners thereof, or in payment of stock subscribed to said company; and the same to have and hold, with the power to sell, mortgage, and convey, in fee simple, for the purpose of raising money for the construction of the levee, redemption of their bonds which they may have issued in pursuance of this act, or reimbursing stockholders for their expenditures in constructing the levee.

May issue
bonds to pay
company debts.

§ 15. That it shall be lawful for the president and directors of said company to contract for the whole, or any part, of the construction, or material for the construction, of said levee on time, and to borrow money on time to pay for the materials or construction of said levee, and to secure any and all such debts by the bonds or obligations of said company, either with or without personal or corporate inducement, or to execute a mortgage or mortgages upon said levee, or any or all the property, rights or franchises, of the said company.

Stock to be
transferable.

§ 16. The shares of stock in this company shall be deemed personal estate, and transferable on the books of the company, agreeable to such rules as may be established by the by-laws or its board of directors; and for default in payment the by-laws may authorize a forfeiture of stock; but such forfeiture, assignment, or transfer, shall not exonerate any subscriber from the payment of his whole subscription, but he and his assigns shall both be liable therefor.

Owners of land
paying tax to
become stock-
holders.

§ 17. Owners of lands paying the tax for the construction of the levee, assessed and collected under and by virtue of the provisions of this act, shall, to the extent of the taxes so paid, become stockholders in said company; when the full amount of tax levied and assessed for its construction shall have been paid by them, they shall be entitled to certificates of stock therefor, with equal rights and privileges as stockholders with the original subscribers.

May erect toll-
gates on roads
on levees.

§ 18. If a convenient wagon road shall, at any time, be made upon said levee, the board of directors, with the approval of the stockholders, given at a regular or called meeting, may erect toll-gates thereon, fix the rate of tolls per mile, and appoint collectors therefor, and to make all needful and necessary regulations, and are hereby authorized and vested with full power to do and perform all acts that are necessary in its control, management, and operation, as are usually vested in, done, and performed by the turnpike and plank road companies of this Commonwealth.

Term of office
of directors.

§ 19. That the board of directors elected in pursuance of section six of this act shall continue in office from the date of their election until the first Monday in January,

1875, at which time a new board shall be elected, and also on the first Monday in every year thereafter; and at all such subsequent elections none but stockholders shall be entitled to vote.

1872:

§ 20. That the board of directors, by and with the consent and approval of the stockholders, in a regular or called meeting given, may consolidate with any other company or companies in or out of this State, organized for the same or similar purposes, provided said company or companies contain nothing in their charter or by-laws inconsistent with the laws of this Commonwealth or of the United States.

May consolidate with other companies.

§ 21. That the board of directors, by and with the consent and approval of the stockholders of said company, in a regular or called meeting given, may lay down iron on said levee, and convert it into a railroad, in which latter event the company shall be entitled to all the rights and privileges, and subject to all the restrictions, of the Louisville and Nashville Railroad Company, as if they were here repeated, except as otherwise provided for or modified by this act.

May erect railroad on levee.

§ 22. This act to take effect from and after its passage.

Approved January 30, 1872.

CHAPTER 140.

AN ACT to authorize the town of Falmouth to subscribe for turnpike stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Falmouth, Pendleton county, Kentucky, be, and they are hereby, authorized to appropriate a sum of money, not exceeding six thousand dollars, out of the revenue derived, and to be derived hereafter, from taxes, licenses, &c., levied and imposed by orders of said board of trustees, upon residents of said town and those residing within their jurisdiction; said appropriation to be invested by said trustees for the benefit of said town in stock of the proposed Falmouth and Milford Turnpike Road Company.

Trustees may subscribe stock in turnpike roads.

§ 2. That said trustees, in the event of said appropriation being authorized and made as herein provided, be, and they are hereby, authorized and empowered to issue the bonds of the town of Falmouth, bearing interest at the rate of ten per cent. per annum, running for and maturing at the expiration of five years from the date of issuing, for the whole amount of the appropriation made, or for a less amount for any deficiency that may be found to exist at the time of issue, as to said trustees may seem most desirable; said bonds to be signed by the

May issue bonds to pay for stock.

1872. police judge, as president of said board of trustees, and countersigned by the secretary of said board.

Question to be submitted to qualified voters.

§ 3. *Provided, however,* That before making said appropriation, the question of making the same be submitted to the qualified voters of said town at an annual election for town officers, and a majority of the votes cast voting in favor of making said appropriation.

§ 4. This act to take effect from and after its passage.

Approved February 1, 1872.

CHAPTER 141.

AN ACT to amend the charter of the Second German Protestant Benevolent Society, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Second German Protestant Benevolent Society, of the city of Louisville, Kentucky," approved January 18th, 1867, be, and the same is hereby, amended as follows:

Name changed.

§ 2. The corporation created by said act shall be henceforth known and recognized as the First German Benevolent Society of the city of Louisville, Kentucky.

Corporators and corporate style.

§ 3. That John Becker, George P. Beach, Justi Streman, Bertin Herm, and Christ Miler, and their associates and successors, shall be known as a corporate body, by the name and style of the First German Benevolent Society of the city of Louisville.

§ 4. Their officers shall consist of a president, vice president, treasurer, secretary, assistant secretary, and a committee to visit the sick, composed of five members.

May sue and be sued.

§ 5. They may sue and be sued, plead and be impleaded, in all courts in this Commonwealth, by the name of the First German Benevolent Society; and service of process on the president or treasurer shall be legal notice of such suit.

Other corporate powers.

§ 6. They may hold property, buy and sell to an amount not exceeding ten thousand dollars in value; and in order to govern their members, regulate their proceedings, expenditures, and incomes, may make a code of by-laws: *Provided,* That they be not inconsistent with the laws of this Commonwealth or of the United States.

§ 7. That they may make and use a common seal, to amend and alter at pleasure. The Legislature reserves the right to alter, amend, or repeal this charter at any time.

§ 8. This act to take effect from and after its passage.

Approved February 1, 1872.

an amount sufficient to pay off said subscriptions; which levy shall be made on each one hundred dollars in value of the taxable property in said county; and shall be collected by the sheriff, and paid over by him to the treasurer of each of said turnpike roads, upon a written order from the hand of said judge, certified by the county clerk of

1872.

~~appoint a road commissioner in accordance with the~~
quirements of the road law of Bracken county, and Jas. W. Staton, the former road commissioner, having fulfilled the duties of road commissioner, and received his pay therefor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the acts of James W. Staton, late road commissioner as aforesaid, be, and the same are now, declared to be legal and as binding and valid as though he had been regularly appointed, qualified, and sworn by the county court of Bracken county, at its June terms in 1868 and 1870.

§ 2. That it shall be lawful for the said Jas. W. Staton to issue any road list for the taxes of the year 1870 which may not have been issued; and that the overseers of roads have until the first Monday in July, 1872, to return the same.

§ 3. This act shall take effect from its passage.

Approved February 1, 1872.

CHAPTER 143.

AN ACT to amend the charter of the city of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any vacancy now, or which shall hereafter exist, in the council of the city of Paris, shall be filled by said council by the election of a suitable person to hold for the unexpired term.

Council may fill vacancies in their body.

§ 2. The mayor and council of said city shall have power and authority to open new streets within the city limits, as they now, or shall hereafter, exist, and to extend or widen any of the streets of said city; and if they cannot acquire the necessary land or right of way for any of said purposes, they may have it condemned by writ of *ad quod damnum*, in the mode and manner land is condemned by law for the construction of turnpikes and plank roads.

May open new streets and widen old ones.

§ 3. That from and after the purchase of the stock, as in this act authorized, the right of the State of Kentucky to appoint or retain directors in said bank shall cease; but the number of directors thereof shall remain nine, as now

Right of State to appoint directors to cease.

1872.

May sell all
property if
foreclosure is
made for any
debt.

§ 2. That should a foreclosure of any mortgages, executed under the preceding section, become necessary to pay any debt, requiring a sale of only a part of the real estate of said association, the president and directors thereof may direct the whole of it to be sold, and proceeds held subject to division among the stockholders of the association, or to be reinvested at their option.

May sell prop-
erty, if deemed
advisable, and
pay debts.

§ 3. That whether any mortgage be executed as hereinbefore provided or not, that the board of directors, with the consent of a majority of the stockholders, may sell and convey the real estate of said corporation, and out of the proceeds pay the liabilities, and reinvest the remainder in other property, to be held and used for like purposes and objects as those contemplated in the original act of incorporation.

§ 4. This act shall take effect from and after its passage.

Approved, January 30, 1872.

CHAPTER 134.

AN ACT in relation to the Bardstown and Green River Turnpike Road Company.

WHEREAS, It appears that all that part of the Bardstown and Green River Turnpike Road Company lying between the summit of Muldrough's hill and the Hart county line, in Larue county, is not kept in repair by the president and managers of said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and managers of the Bardstown and Green River Turnpike Road Company are hereby authorized to repair all that part of said road lying between the summit of Muldrough's hill and the Hart county line, in Larue county; and when so repaired, they shall be authorized to erect gates and charge tolls, as authorized by the charter incorporating said company.

§ 2. That if the said president and managers of said road shall fail to repair said road, as authorized in the first section of this act, on or before the first day of October, 1872, then, and in that event, it shall be the duty of the county court of Larue county to take charge of all that part of said road lying between the two points mentioned in the first section of this act, and require it to be kept up as a county road: *Provided, however,* That said president and managers, after said road is taken in charge by the county court of Larue, shall not, from and after that time, be authorized to erect gates or collect any tolls on any part of the road lying between the points above designated.

§ 3. That all acts or parts of acts in conflict with this act are hereby repealed. 1872.

§ 4. This act shall take effect from its passage.

Approved January 30, 1872.

CHAPTER 135.

AN ACT-amending section one of an act, approved February 27, 1860, entitled "An act to incorporate the Eminence Cemetery Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

§ 1. That the Eminence Cemetery Company be, and are hereby, authorized to acquire and hold twenty-five acres of land, and receive a conveyance therefor.

§ 2. This act shall take effect from its passage.

Approved January 30, 1872.

CHAPTER 136.

AN ACT to incorporate the Mississippi River Levee Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated, for the purpose of constructing a levee from a point above high water mark, in the city of Hickman, Fulton county, Kentucky, west and southward along the meanderings of the Mississippi river, as near the bank of the same as, under all the circumstances of costs, distance, and safety, may be reasonable, in order to protect the bottom lands subject to overflow from the inundations of the said Mississippi river, under the name and style of the "Mississippi River Levee Company." Said company, when organized as hereinafter specified, shall be, and they are hereby, declared a body-politic and corporate, in act and in law, by the name, style, and title of the Mississippi River Levee Company; and by said name shall have perpetual succession, and all the franchises and privileges incident to a corporation, of contracting and being contracted with, of suing and being sued, plead and be impleaded, answer and being answered, defending and being defended, in all courts of record, or any other place whatsoever; and also to make, have, and use a common seal, and the same to break, alter, or renew at pleasure; to make such by-laws and regulations, not inconsistent with the laws and Constitution of this Commonwealth or of the United States, as shall be necessary, and to do all and every matter and thing which a body-politic or corporation may lawfully do.

Corporate
name and powers.

1872. provided by law, all to be elected by the stockholders of the bank.

May establish
or withdraw
branches.

§ 4. That the said president and directors of said bank may continue, establish, and withdraw its branches, as to them may seem desirable, and increase the capital stock of the bank, but not to exceed three million of dollars; and may use so much of the capital stock in the city of Louisville as they deem is for the interest of the stockholders: *Provided*, That said bank shall annually, on the first day of January, pay into the Treasury, to go into revenue proper, a tax of fifty cents on each share of one hundred dollars of its increased capital stock, which shall be in full of all tax or bonus on such increased capital stock.

§ 5. That the charter of the Bank of Kentucky be, and the same is hereby, extended twenty-five years.

§ 6. The president, directors, and company of said bank shall have all the rights, privileges, and franchises granted to other banks of Kentucky: *Provided*, That nothing in this act shall be so construed as to give to the Bank of Kentucky the privilege to engage in insurance, warehousing, or any other business, except a legitimate banking business.

§ 7. The directors of the bank may appoint a vice president thereof, whose powers, duties, and term of service shall be regulated by the by-laws of said bank.

§ 8. This act shall take effect from its passage.

Approved February 1, 1872.

CHAPTER 146.

AN ACT to incorporate the Western German Savings Bank, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names and cor-
porate style.

Corporate
powers.

§ 1. That E. C. Bohne, Henry Nettelroth, Louis Eichrodt, Ferdinand Volkmar, M. Block, A. Koop, J. H. Wrampelmeier, Wm. Dumeyer, I. Wolf, Julius Hinzen, together with their successors and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of the "Western German Savings Bank of Louisville;" and shall continue until the first day of January, one thousand nine hundred; and in that name shall have the power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered; and that they shall be made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, or sell, transfer, or convey, by deed or otherwise, public and private securities of

any kind, not exceeding, at any one time, the sum of five hundred thousand dollars; also to make and use a common seal, and the same to break, alter, and renew at pleasure.

1872.

§ 2. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided in shares of one hundred dollars each. Capital stock.

§ 3. The corporators named in this act, or any two of them, shall, within twelve months from the passage of same, open books for the subscription of stock; and when two thousand shares shall have been subscribed for, said corporators shall give notice of a meeting of the subscribers, when twenty-five dollars shall be paid on each share subscribed for; and the company may be organized when the remaining seventy-five dollars shall have been secured to be paid, at the time and in the manner that shall be designated by the shareholders who have paid twenty-five dollars on each share subscribed for. Corporators named, who shall fail to subscribe for stock, shall not be members of the company; and all such subscribers who shall fail to pay twenty-five dollars on each share subscribed for on the day designated in the above named notice, shall cease to be shareholders, and the stock subscribed for by them may be subscribed for by others, under the direction of the person or persons who received the original subscription; and in case any subscriber shall fail to pay any call made by the board of directors (who are hereby authorized to make such call) for the unpaid balance of his or her subscription, and remain in default for ninety days, the board may, in its discretion, forfeit his or her stock for the benefit of the company. If, at any time, this corporation shall determine to increase its capital stock as herein provided, such increase shall be subscribed for on the books of said company, and actually paid in, and certificate issued therefor, under the same rules and regulations, and in the same manner, as the original stock is subscribed for and taken; and no stock of said corporation shall be issued or placed upon the markets by the corporation, except where the same had been subscribed on the books of the company and actually paid in. May open books and receive subscriptions of stock.

Upon failure to pay for stock subscribed, or all call, stock to be forfeited.

§ 4. The business of this company shall be managed by no less than seven nor more than nine directors, to be chosen by the subscribers, and no director shall hold less than ten shares of stock. An election of directors shall be held at the first meeting of the subscribers, and the directors then elected shall continue in office until the first Monday in January next succeeding, or until their successors are chosen; and on the first Monday in January, of each year thereafter, an election shall be held at the office Board of directors—when and how chosen.

Elections—how held.

1872.

Failure to
have an elec-
tion shall not
invalidate a com-
pany.

of the company, under the direction of five shareholders, who shall be appointed by the directors for that purpose. Such election shall be by ballot, and by a plurality of votes of the subscribers and their proxies, allowing one vote for each share of stock represented. The same rule of voting shall apply to all questions submitted to the stockholders. Should an election for directors, from any cause, fail to be made on the day herein designated, the corporation shall not, from that cause, terminate and be dissolved; but any and all elections made subsequent thereto, by competent authority, shall be deemed valid, and so held; and the directors last in office shall have full power to act as such, until such time as their successors may be elected as aforesaid.

Directors may
appoint officers
and fix their
compensation.

§ 5. The board of directors may choose one of their number president, and in such manner, and for such period, as they may ordain, and employ such officers, clerks, and servants, as they may deem necessary to a proper conduct of the affairs of the company; fix their salaries, prescribe their duties, and shall require and receive bonds with security, for the faithful performance of their duties; and shall also require each officer to make oath, before a justice of the peace, that he will honestly and faithfully discharge all of his duties as an officer of the said corporation; and upon any bond thus taken recovery may be had for breaches of the conditions thereof.

Quorum.

§ 6. A majority of the board of directors shall be a quorum for the transaction of business.

\$50,000 stock
paid shall en-
title company
to commence
business.

§ 7. Whenever the sum of fifty thousand dollars shall be paid in, and the further sum of one hundred and fifty thousand dollars shall have been secured to be paid in, in accordance with the terms and conditions upon which the same were subscribed, and an affidavit to that effect shall have been made by the president and secretary of the corporation before the clerk of the Jefferson county court, said company may proceed to transact a general banking and financial business; and may lend money as a natural person at common law, discount promissory notes, buy and sell exchange, stocks, bonds, and other securities, issue certificates of credit, payable in the United States and elsewhere; and the promissory notes made payable at its banking house, and inland bills of exchange which may be discounted or purchased by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against the makers, drawers, and indorsers thereof, and other parties thereto; and said bank in loaning money, by discounting or otherwise, directly or indirectly, shall do so in accordance with the provisions of an act, entitled "An act to amend chapter 53 of Revised Statutes, title 'Inter-

est and Usury," approved March 14th, 1871; and it shall be lawful for this corporation to do business as a saving bank, and as such to receive on deposit gold, silver, bank notes, and United States Treasury notes, and pay the same in kind during banking hours, any sum not less than one dollar; and minors and married women may, in their own name, deposit therein, and check therefrom, unless restrained by some competent tribunal. Interest may be allowed on such deposits as agreed upon, not exceeding six per cent.

1872.

§ 8. The form of certificate of stock, and the manner of transfer of same, shall be regulated by the by-laws of the corporation; and a lien is hereby created in favor of this corporation on the stock of each shareholder, for any and all claims that the company may have for the unpaid part of his shares.

Lien on stock to pay claims of company.

§ 9. In no case shall this corporation exercise the business of banking by issuing notes to circulate as money; but they may advance on, and receive in pledge for loaned money or debts due them, public or private securities, goods, wares, and merchandise, and sell the same on the non-payment of the debt or demand at the stipulated time of payment, in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871.

Shall not issue notes to circulate as money.

§ 10. A statement of the affairs of the company shall be made on the first Monday of January of each year, for the inspection of the stockholders; and the president and directors may declare a dividend of such proportion of profits (if any have been made) as they may deem proper; but in no case shall the paid up capital stock be diminished.

Statement of affairs to be made, and dividends declared.

§ 11. The board of directors of this corporation may enact and put in force such rules, regulations, and by-laws for the management, government, and control of its property and business and affairs, as they may deem expedient, and alter, amend, and repeal the same at will: *Provided, however,* That the same shall not be in conflict with the Constitution of Kentucky, or the Constitution of the United States, or the laws made in pursuance thereof.

May make by-laws, rules and regulations.

§ 12. The stock of this corporation shall be deemed personal property, and shall only be assignable or transferable in accordance with such rules as the board of directors shall, from time to time, prescribe.

Stock to be personal property.

§ 13. It shall be the duty of the president, on the first day of January of each year, to pay into the Treasury fifty cents on each one hundred dollars of stock held by and paid in for such institution, which shall be in full of all tax or bonus, and be a part of the revenue proper of this Commonwealth.

Tax to be paid to the State.

1872.

§ 14. The General Assembly shall have the right to examine the affairs of said bank by any committee appointed for that purpose, and hereby reserves the right to repeal, amend, or modify this act at pleasure.

§ 15. If any cashier, clerk, teller, or other officer, agent, or servant of said bank, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of said corporation, with intent to cheat or defraud the corporation or other person, such cashier, clerk, teller, agent, or other officer or servant, shall be deemed guilty of felony, and upon conviction thereof, shall be confined in the penitentiary of this Commonwealth for a period of not less than two nor more than ten years.

§ 16. This act shall take effect from and after its passage.

Approved February 1, 1872.

CHAPTER 147.

AN ACT to amend the charter of the Western Insurance and Banking Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The charter of the Western Insurance and Banking Company, approved January 26, 1865, and amended by an act approved March 31st, 1870, be, and the same is hereby, further amended as follows:

§ 2. The said corporation may, from and after the passage of this act, and the acceptance thereof by the said corporation, cease to be an insurance company; and it shall thereupon retain all the rights and privileges heretofore conferred, except the right to do an insurance business.

§ 3. The said corporation shall, from the day of the acceptance of this act, be known by the name of "The Western Bank;" and shall by that name succeed to all the rights and privileges, and be subject to all the duties and liabilities, of the said Western Insurance and Banking Company, except such rights and privileges, and such duties and liabilities, as appertain to the insurance business.

§ 4. Section ten of the charter approved January 26, 1865, be, and the same is hereby, repealed.

§ 5. Nothing in this act shall be construed to affect any obligation, liability, or contract, existing at the time of,

or before, the acceptance of this act by said corporation.

§ 6. This act shall take effect from its passage.

1872.

Approved February 1, 1872.

CHAPTER 148.

AN ACT to declare Morgan's creek, in Lawrence county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Morgan's creek, in Lawrence county, from its mouth to James Adams' house, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall take effect from its passage.

Approved February 1, 1872.

CHAPTER 149.

AN ACT revising the charter of the town of New Liberty, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the town of New Liberty, in Owen county," passed and approved March 7th, 1868, be, and the same is hereby, repealed.

§ 2. The election of police judge and trustees for said town, held on the first Saturday in May, 1871, be hereby declared legal; and further, that said trustees shall have power to fill all vacancies in their board until the next regular election after such vacancy shall occur.

§ 3. An election for town marshal shall be held on the first Saturday in March, 1872, and thereafter on the same day appointed by law for the election of constables. The marshal shall have equal jurisdiction with constables in said county.

§ 4. The original charter is hereby re-enacted, except so much as is repealed by this act.

§ 5. This act to take effect from its passage.

Approved February 1, 1872.

1872.

CHAPTER 150.

AN ACT to provide for appointing an assistant county attorney for the county of Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county attorney for the county of Kenton, by and with the advice and approval of the county court of said county, shall appoint an assistant county attorney.

§ 2. That said assistant county attorney shall have the qualifications necessary for a county attorney, and shall take the usual oaths of office; and, in the absence of the county attorney, shall do any and all business required of the county attorney, and shall be entitled to receive the same fees and per centage on fines and penalties, including forfeitures of bonds, that the county attorney is authorized to receive.

§ 3. Said appointment shall be entered of record in said county court, and said assistant shall hold his office until the expiration of the term of the said county attorney who appointed him.

§ 4. Any act inconsistent with this act is hereby repealed, so far as it affects the county of Kenton, but no further.

§ 5. This act shall take effect from and after its passage.

Approved February 1, 1872.

CHAPTER 151.

AN ACT to amend the charter of the Owensboro Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clause pertaining to this matter in section third of the charter of said bank be amended so as to read as follows: For the contracts of the corporation each stockholder shall be individually responsible to the amount of stock held by him in said corporation, and also to the full extent of his private fortune.

§ 2. That this act shall take effect from and after its passage.

Approved February 1, 1872.

CHAPTER 152.

1872.

AN ACT to repeal an act, entitled "An act for the benefit of D. C. Smith, of Barren county," approved January 30, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of D. C. Smith, of Barren county," approved January 30th, 1866, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after the time of its passage.

Approved February 1, 1872.

CHAPTER 153.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to amend the charter of the Louisville and Nashville Railroad," passed March 15th, 1871, be, and the same is hereby, repealed.

§ 2. That the number of directors of said company be increased from nine to eleven.

§ 3. This act shall take effect from and after its passage.

Approved February 1, 1872.

CHAPTER 154.

AN ACT to amend an act, entitled "An act to amend the charter of the Covington and Lexington Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of an act, entitled "An act to amend the charter of the Covington and Lexington Turnpike Road Company," approved January 17th, 1863, be amended by inserting after the word "hauling" the words "earth, sand," and before the word "quarries" the words "lands, banks."

§ 2. That the keeper of gate No. 1, or superintendent of said road, are hereby authorized to demand and receive the tolls allowed to be collected by said section of said act, as amended; and upon the failure or refusal of any person or persons to pay said tolls when demanded as aforesaid, the said company shall have the right to sue for and collect the same, with costs of suit.

1872

§ 3. That one hearse and five carriages, in funeral processions for neighborhood burials, shall hereafter be exempt from tolls, including the city of Covington.

§ 4. That this act shall take effect from its passage.

Approved February 1, 1872.

CHAPTER 155.

AN ACT to provide for the improvement of the public roads in Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may levy addi-
tional tax to
improve roads.

§ 1. That there shall be levied and collected, from each person in the county of Butler who, by law, is required to work on the public roads of said county, a tax of four dollars annually, which shall be collected by the sheriff as other taxes, and shall be expended under the order of the county court only in the improvement of the public roads in said county.

Assessor to
make out list of
those liable to
road tax.

§ 2. It shall be the duty of the assessor of said county, when he takes the list of taxable property for said county for each year, to rule a column and take a complete list of every male inhabitant of said county who is, by the general laws of the State, required to work on the public roads; which list shall be copied by the clerk on the book delivered to the sheriff. The sheriff shall settle, account for, and report the taxes collected under this act, and the delinquents of whom the same cannot be made, at the same time and in the same manner as is provided in relation to the ordinary county levy.

Those liable
to work out
road.

§ 3. The tax provided for in the preceding sections of this act may be discharged in work and labor done upon the public road, within the proper district of each person so assessed, under the direction of the surveyor of the road, at the rate of one dollar for each full day's work; and it shall be the duty of each surveyor of public road in said county to give to every person within the limits of his district a certificate showing the number of full days' work performed as aforesaid, which said certificate shall be receivable by the sheriff in discharge of taxes provided hereinbefore.

§ 4. The assessor and clerk shall be allowed the sum of one cent for each list taken under this act, and the sheriff shall be allowed the same commissions as are, by law, allowed for collecting the county levy.

§ 5. This act shall take effect from its passage.

Approved February 2, 1872.

CHAPTER 156.

1872.

AN ACT to create the office of auditor for Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the county court, with the concurrence of a majority of the justices in commission in said county, may appoint a suitable person, to be styled the auditor of Warren county, whose duty it shall be, in suitable books provided for the purpose, to keep a full and correct account of all ascertained claims of debt and credit between the county and individuals or corporations, and of all receipts and disbursements by the sheriff, treasurer, and other collecting agents and depositaries of the county funds, whether such funds belong to the county absolutely, or are merely controlled by the county court in a fiduciary capacity. The auditor shall keep his books and papers in the office of the county court clerk until otherwise ordered by the county court.

County judges to appoint auditor.

Auditor's duties.

§ 2. The auditor, before entering upon the duties of his office, shall take an oath and execute a covenant to the Commonwealth of Kentucky, with surety to be approved by the county court, conditioned for the faithful discharge of his official duties; whereon suit may be instituted from time to time, in any court of competent jurisdiction, in behalf of the county or any person aggrieved by any breach or failure of official duty on the part of the auditor. He may, at his own expense, employ an assistant, if authorized by the county court, who shall take an oath to discharge faithfully all the duties prescribed to him by the auditor, who may, if he thinks proper, require bond from such assistant to the same effect; but the auditor and his sureties shall be liable on their covenant for all wrongful acts and omissions of said assistant pertaining to the duties of the office.

Auditor to take oath and give bond.

May employ an assistant auditor.

§ 3. The auditor shall annually, in the month of October, make a report to the county court, giving a full exhibit of the financial condition of the county, with statements of its debts and credits; of the receipts and expenditures of the year preceding; and of the accounts between the county and the sheriff, treasurer, and other depositaries of the county funds. He shall also, when required, furnish to the county court any information in his power on all matters pertaining to the business of his office; and the books and papers of his office shall at all times be subject to the inspection of the county judge.

Auditor to make report to county court annually.

§ 4. Receipts for money paid to the county treasurer, and to all other depositaries of the county funds (except sheriff's receipts for taxes), shall be delivered to the auditor, and his receipts taken therefor shall be legal evidence as against the county of such payments.

1872.

County funds
not to be paid
out except on
warrant of
auditor.

§ 5. No money shall be paid by the sheriff, treasurer, or other depository of county funds, except upon the warrant or certificate of the Auditor, which shall state upon its face the date, amount, the person to whom payable, and the fund out of which to be paid, and shall not be issued (except for county bonds and coupons, or other obligations for the payment of money authorized by the county court, and interest thereupon) until the claim has been allowed by the county court, a list of which claims so allowed, certified by the county court clerk, shall be furnished by him to the auditor at the close of each term of the court.

Compensation
of auditor.

§ 6. The auditor shall receive for his services such compensation as may be fixed by the county court at the time of his appointment, which shall be paid quarterly on a certified copy of the county court order, and shall not be diminished during his term of office.

Term of office.

§ 7. The term of office shall be four years, except that the first incumbent shall hold the office only until the October term of the county court in the year 1874. Removal from the county by the auditor shall vacate his office. In case suit be instituted against him for any breach of his official bond or covenant to the Commonwealth, the county court may, in their discretion, suspend him from the functions and emoluments of the office during the pendency of such suit, and fill the office by a *pro tempore* appointment; and a final judgment against him in such suit shall be a sufficient ground for removing him from office.

Vacancies in
office of audi-
tor to be filled
by county
judge.

§ 8. Vacancies occurring in the office, from any cause, may be filled by the appointment of an auditor by the county judge until the ensuing October term, and then filled for the remainder of the term of office by the county court.

§ 9. This act to be in force from its passage.

Approved February 2, 1872.

CHAPTER 157.

AN ACT to authorize the Cumberland county court to levy an additional poll and ad valorem tax for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Cumberland county, a majority of the justices of the peace therein concurring, shall have power, and they are hereby authorized, to levy an additional ad valorem tax, not exceeding fifteen cents on the one hundred dollars' worth of taxable property in said county, and also to levy a poll tax, not exceeding three dollars, on each male citizen over twenty-one years of age.

§ 2. And said court is hereby authorized and empowered to meet on the second Monday in February, 1872, and levy the ad valorem and poll tax provided for in the first section of this act for the year 1872; and said tax, when levied, shall be collected as other taxes are now collected,

1872.

§ 3. All money collected under this act shall be applied to the liquidation of the debt incurred by said county in the erection of public buildings now in course of construction in said county.

§ 4. This act shall take effect upon its passage, and continue in force for three years.

Approved February 2, 1872.

CHAPTER 158.

AN ACT to amend an act, entitled "An act to incorporate the town of Sonora, in Hardin county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Sonora, in Hardin county," be amended as follows: That the corporate limits of the town of Sonora, Hardin county, shall not exceed one half mile square, making the depot the center of said corporate limits as it now is.

§ 2. That no person shall be a qualified voter for any officer of said town unless he resides within the said limits, and shall have been a citizen thereof at least sixty days before an election takes place in said town for any town officer.

§ 3. This act to take effect and be in force from and after its passage.

Approved February 2, 1872.

CHAPTER 159.

AN ACT for the benefit of St. Joseph's Industrial School for Boys, in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of the real estate and investments belonging to, or devoted to the use of, St. Joseph's Industrial School for Boys, in the city of Louisville, be, and the same is hereby, exempt from taxation for State, county, and municipal purposes, to the same extent as public schools, seminaries, churches, and orphan asylums are now exempt from similar taxation.

1872. § 2. This act shall take effect from and after its passage.

Approved February 2, 1872.

CHAPTER 160.

AN ACT to amend the charter of the Independence and Big Bone Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Independence and Big Bone Turnpike Road be, and the same is hereby, so amended as to authorize the president and board of directors of said road to erect and keep a toll-house or gate on said road within one quarter of a mile of the original incorporation line of the town of Independence, in Kenton county.

§ 2. That this act take effect from and after its passage.

Approved February 2, 1872.

CHAPTER 161.

AN ACT to amend the charter of the Richmond, Union Meeting-house, and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Richmond, Union Meeting-house, and Kentucky River Turnpike Road Company," approved February 22d, 1860, be, and the same is, so amended as to allow said Turnpike Road Company to extend and construct their said road from Union Meeting-house to a point of intersection on the Richmond, Otter Creek, and Brownsboro Turnpike Road, at or near Wm. Guess's blacksmith-shop.

§ 2. That the name of said company is hereby changed to Dreaming Creek, Union, and Kentucky River Turnpike Road Company, and under said name it shall possess the same privileges, and be amenable to all restrictions, set forth in the act to which this is an amendment.

§ 3. This act shall take effect from its passage.

Approved February 2, 1872.

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CHAPTER 162.

1872.

AN ACT incorporating the Beech Fork and Simpson's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created and incorporated, under the name and style of the "Beech Fork and Simpson's Creek Turnpike Road Company," for the purpose of constructing an artificial road, with stone or gravel, in the county of Nelson, from the Bardstown and Bloomfield Turnpike Road, at a point near the residence of Mrs. Nancy Allen, to the Bloomfield and Springfield Turnpike Road, near William Campbell's. The following persons are appointed commissioners, who, or any one of them, are authorized to receive subscriptions to the capital stock of said company, to-wit: William D. Huston, Wm. B. Wilkinson, William Campbell, Samuel Humphrey, and William Neal.

Corporate name and style.

Names of commissioners.

§ 2. The capital stock of said company shall be fifteen thousand dollars, divided into shares of fifty dollars each. When five thousand dollars is subscribed to the capital stock of said company, the stockholders are authorized to elect a president and three directors, who shall continue in office one year, and until their successors are elected and qualify. Said board shall have power to fill vacancies, and appoint a treasurer and secretary.

Capital stock.

§ 3. Said corporation shall have power to condemn the right of way, the necessary stone, gravel, earth, wood, or other material necessary for the construction or repair of said road, as provided by chapter 103 of the Revised Statutes, and amendments thereto.

Powers, rights, and privileges.

§ 4. Said company shall have power to erect one toll-gate on said road, and collect full toll, at the rates fixed by law for the collection of tolls on the Bardstown and Louisville Turnpike Road Company, or said company may erect two toll-gates on said road, and collect half toll at each of said gates.

§ 5. This act shall be in force from its passage.

Approved February 2, 1872.

CHAPTER 163.

AN ACT for the benefit of all persons owning land binding on that part of Mann's Lick road, alias Saratoga street; alias Pope street, between Broadway, in the city of Louisville, and its intersection with Rothwell street.

WHEREAS, It is represented to the present General Assembly that many years ago a certain road, about sixty feet wide, called Mann's Lick road, subsequently Saratoga

1872.

street, alias Pope street, ran from the city of Louisville into the country in a southeastern direction, to a point where it intersected what was then known as Rothwell street; and whereas, since that time the city has been greatly extended, and new streets and new squares have been laid over the whole of the road; and whereas, all of said road extending from the original limits of the city to Broadway has been closed about thirty years; and whereas, Rothwell street has been closed by the decree of the Louisville chancery court, rendered by virtue of an act passed by the Legislature of Kentucky; and whereas, the rest of said Mann's Lick road, running diagonally through many of the new streets and squares, rendered the squares comparatively valueless, it was closed by common consent about ten years ago, and has remained so ever since; and whereas, many of the owners of the land binding on that part of the road fear that they may be disturbed in the possession of the same, and, in consequence of their fears, the growth of that part of the city is greatly retarded. Now, for the remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person or persons owning land binding on that part of Mann's Lick road, alias Saratoga street, alias Pope street, in the city of Louisville, extending from Broadway, in said city, to the point where said road formerly intersected a street called Rothwell street, may bring suit in the Louisville chancery court, making the city of Louisville and all persons owning land binding on that part of the road parties to the suit, to have said part of the street conveyed, by deed in fee simple, to the owners of the land—to each owner the land immediately in front of his land to the middle of the street; and upon proof being made that said road is no longer necessary for the accommodation of the public, and that the growth of that part of the city is retarded by the uncertainty of the title to the bed of the road, the chancellor shall decree that so much of the road as lies between the front of each owner's land and the middle of the road shall be conveyed to him by deed in fee simple.

§ 2. This act shall take effect from and after its passage.

Approved February 2, 1872.

CHAPTER 164.

1872.

AN ACT for the benefit of John Goodin, commissioner of common schools for Josh Bell county.

WHEREAS, By the provisions of an act approved March 13th, 1871, the commissioners of common schools were to be paid out of the surplus funds due the respective counties, for which the State of Kentucky had issued its bonds; and Josh Bell county having recently been created out of the counties of Harlan and Knox, and not having sufficient surplus funds on hand out of which to pay her school commissioner for his services for the school year ending June 30th, 1871; and, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Goodin, commissioner of common schools for Josh Bell county, shall be paid for his services as school commissioner, for the year ending 30th June, 1871 (being one hundred dollars), out of the surplus funds due the counties of Harlan and Knox, for which the State of Kentucky has issued its bonds; of which amount thirty-five dollars shall be taken from the Harlan county bonds, and sixty-five dollars from the Knox county bonds; and when said payments are so made, the said bonds shall be credited by the amounts so paid; and the sums so paid out shall be charged to the surplus fund accounts of said counties, respectively, by the Superintendent of Public Instruction and Auditor.

§ 2. This act shall be in force from its passage.

Approved February 2, 1872.

CHAPTER 165.

AN ACT creating a lien on property for the erection of gas lamp-posts in the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the common council of the city of Paducah shall have power to pass ordinances requiring the erection of gas lamp-posts at the cost of the owner or owners of property, and to cause the cost thereof to be apportioned among said owners in such manner as may be prescribed by ordinance; and a lien is hereby created on the property so assessed for the cost thereof, and may be enforced in the same manner as liens for improvement of streets.

§ 2. No ordinance of the common council requiring the erection of gas lamp-posts at the expense of property-owners shall have force as a law unless the same be voted for by two thirds of all the councilmen then elected, nor

City council may require erection of lamp-posts.

Lien created on property to pay for posts.

Question to be submitted to voters.

1872.

unless the yeas and nays thereon be recorded in the journal of proceedings: *Provided, however,* That if the owners of a majority of feet front liable to assessment shall petition to have gas lamp-posts erected, in such case the council shall have power and authority, by a vote of a majority of all the members then elected, to pass an ordinance for the erection of gas lamp-posts on such street, alley, or part thereof, as are petitioned for; the vote of said majority, however, shall be by yeas and nays, recorded as aforesaid.

§ 3. All acts and parts of acts in conflict herewith are hereby repealed; and this act to be in force from and after its passage.

Approved February 2, 1872.

CHAPTER 166.

AN ACT for the benefit of Lark Howard, of Magoffin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lark Howard be, and he is hereby, allowed the privilege of changing the channel of Licking river on his lands, near his house, in Magoffin county, provided such change will in no way interfere with the navigation of said river.

§ 2. This act shall take effect from its passage.

Approved February 2, 1872.

CHAPTER 167.

AN ACT to amend an act revising the charter of the city of Paducah, Kentucky, approved 11th February, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever, in the opinion of the common council of the city of Paducah, it shall become necessary for said city to take any private property for public use in said city for wharves, streets, alleys, sidewalks, parks, public grounds, and for any other purpose whatever, in the opinion of said common council, tending to promote the interest and welfare of the people of said city, the said common council may so declare, by ordinance or resolution; and, in the event the said city, through her authorized agents, shall be unable to agree with the owner of any such property, if a resident of said city, or if the owner of said ground or other material be a non-resident of said city, an infant, a *feme covert*, or *non compos mentis*, it shall be the

City council
may take private property,
for city use, by
condemnation.

1872.

duty of the city court of Paducah, upon the application of the city attorney of said city, to appoint five persons commissioners, four of whom shall be residents and real estate owners in said city, and the other the city engineer of said city, who shall be sworn by the judge of said city court faithfully to discharge their duties under this act to the best of their skill and judgment, and who shall immediately thereafter view the ground or material desired or required by said city for any of the uses hereinbefore named, and fix the amount of compensation in which the owner or owners of such land or material shall be entitled, and to make out and return to the clerk of said city court, at his office in said city, a report, in writing, particularly describing the land or other material valued, and the interest and duration of interest valued, and the amount of damages assessed as compensation for the same. The report of the commissioners shall give the names of the owner or owners, and state whether such owner is a resident of said city, and whether a *feme covert*, infant, or person *non compos mentis*. The clerk of said court shall receive said report, and file the same in his office, indorsing thereon the time of its being filed; and if the owner resides in the said city, he shall forthwith issue a summons, commanding the owner or owners of such land or material to appear and show cause why such report should not be confirmed, and which summons shall be forthwith executed by the sheriff of McCracken county, marshal of said city, or such other officer of said city in whose hands it may be placed. The report shall be docketed in said city court, and shall stand for trial in ten days after the service of the summons. If the owner be a resident of said city, and fails to file exceptions to the confirmation of the same within ten days after the summons is executed upon him, the court shall confirm the report of said commissioners, which shall vest in said city the title to the ground or material valued, and the interest and duration of the interest valued. If the owner is not a resident of said city, an infant, a *feme covert*, or *non compos mentis*, the court shall, within ten days after the filing of the report, appoint an attorney to defend for such owner or owners, who may file exceptions to any such report, at any time not later than ten days after his appointment. If no exceptions are filed by the attorney within the time prescribed herein, the report shall be by the court confirmed, which shall vest the title to said land or material valued, and the interest and duration of interest of the same valued, in said city; and upon exceptions being filed by the owner, or by an attorney appointed by

Mode of procedure to condemn property.

Owners filing exceptions to report of commissioners to have benefit of jury trial of cause.

1872.

the court to defend for him or her, or by the city, the court shall forthwith order a jury to be empaneled to try the question of damages, unless for good cause shown by either party time is given for preparation. The jury and commissioners shall, in estimating the damages to the owner of any land or material sought to be condemned under this act for city purposes, find for the owner or owners the actual cash value of the land or other material proposed to be taken; but in estimating damages resulting incidentally to the land or material proposed to be taken, they shall offset any advantages that the owner or owners may derive from the use by the city of the land or material they propose to condemn; and whenever a verdict shall be had, the court shall give judgment condemning such land or other material for the use of said city, and for the amount of damages assessed, and also to the owner for his costs, if the verdict shall be for more than was assessed by the commissioners; and such valuation, when tendered or paid to the owner or owners, or deposited in bank to the credit of the owner or owners, and a certificate of deposit filed in said court, shall entitle the said city to the land or material valued, and the title to the same, and the interest and duration of interest valued by said commissioners, or assessed by the jury; and it shall not be necessary, after the report of the commissioners upon any land or material, as hereinbefore provided for, in order to the use and occupation of the same, to await the issue of the proceedings, in case exceptions are filed to the report; and the report of the commissioners, after the payment or tender to the owner, or deposit in bank of the amount assessed, shall be a bar to all actions for taking and using such property.

May use property, after report of commissioners, without waiting for jury trial.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect from and after its passage.

Approved February 2, 1872.

CHAPTER 108.

AN ACT to authorize the county court of Green to issue bonds and levy a tax for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court may issue bonds to pay county debts.

§ 1. That the county court of Green county, a majority of the justices of the peace being present and concurring therein, be, and they are hereby, authorized to issue county bonds of said county to the amount of two thousand one hundred and fifty dollars, for the purpose of paying off the indebtedness of said county.

§ 2. Said bonds shall bear not exceeding ten per cent. interest; said interest to be paid annually, and shall have two years to run, but redeemable at the pleasure of the county court. 1872.
Time bonds shall run.

§ 3. That the bonds may be issued in such sums as the court may direct.

§ 4. The court shall prescribe the form of the bonds; they shall be signed by the judge, attested and stamped by the clerk of the county court, with the seal of said court.

§ 5. The county judge may appoint a commissioner to sell said bonds, and prescribe the time and manner of selling the same; and provided said bonds shall not sell for less than their par value. May appoint commissioner to sell bonds.

§ 6. It shall be the duty of said court to make the necessary arrangements for the payment of the interest on said bonds, and the cost of issuing the same, and for their full payment when due. County court shall make arrangements to pay said bonds.

§ 7. To enable the court to comply with this act, it is hereby authorized and empowered to levy a tax on the county, one half to be raised on the ad valorem principle, and the other half per capita, the former not to exceed, in any one year, ten cents on the one hundred dollars' worth of taxable property in the county, and the latter not to exceed two dollars on each tithe by the county in any one year. May levy a tax for said purpose.

§ 8. The tax levied under this act shall be collected in the same manner, and under the same liability, that the other county levy and taxes are collected for said county. How tax shall be collected.

§ 9. Said court shall have power to make all orders necessary for carrying into execution the provisions of this act; and the county judge may at any time convene the justices of the peace for action under this act.

§ 10. This act shall take effect from and after its passage.

Approved February 2, 1872.

CHAPTER 170.

AN ACT to legalize the action of the Cumberland county court in the sale of the old jail in said county.

WHEREAS, On the 10th day of April, 1871, the Cumberland county court, by an order of said court, appointed a commissioner for the purpose of selling the old jail in said county, and the ground upon which it stood, and directing that the proceeds of said sale should be applied to the erection of a new jail in said county; and whereas, said commissioner, in obedience to said order, did, on the

1872.

8th day of May, 1871, proceed to sell said jail and lot as directed by said order, and James Haggard became the purchaser; and whereas, there exists some doubt as to the legality of said sale, and as to the legal authority of said court to make an order directing said sale; now, for the purpose of legalizing the action of said county court in the premises, and for the purpose of legalizing said sale,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of said county court in the premises, and said sale, be, and they are hereby, legalized; and said county court is hereby authorized and empowered, through and by a commissioner to be appointed by an order of said court, to convey the said property to James Haggard, the purchaser thereof; said conveyance, when made and examined, and approved by said county court, shall be certified by the judge thereof to the clerk of the Cumberland county court for record; and thereupon the legal title to said property shall vest in said Haggard.

§ 2. This act shall take effect from and after its passage.

Approved February 2, 1872.

CHAPTER 171.

AN ACT to extend the corporate limits of the town of Paradise, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Paradise be extended as follows, to-wit: Beginning at the head of Main street; running thence north 24 west 552 feet, to a stone; thence north 59 east 488 feet, to the original line, embracing all the land in said boundary; also beginning at the southeast corner of the town boundary; running thence north 66 east, until it strikes the river; thence with the river until it strikes the original line of said corporation, embracing the land in said boundary.

§ 2. This act shall take effect from its passage.

Approved February 2, 1872.

CHAPTER 172.

1872.

AN ACT to legalize the action of the commissioners of the sinking fund of Marion county in relation to sale of Louisville and Nashville Railroad stock, and other matters pertaining thereto.

WHEREAS, It is represented to the present General Assembly of the Commonwealth of Kentucky, that the sinking fund commissioners of Marion county, at a time when the stock of the Louisville and Nashville Railroad Company was at a high price, sold the stock of Marion county in said road, and applied the funds received therefor in purchasing in the bonds of said county issued to said road in payment of said stock, until they have taken in all but forty-seven of said bonds of one thousand dollars each, which are due and payable in April, 1874; and said commissioners being unable to purchase them, invested the residue of the proceeds of the stock sold in the purchase of sixty-three Madison county, Kentucky, bonds of one thousand dollars each, payable in 1888: therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the said sinking fund commissioners, in the sale of said stock, and the purchase of said Madison county bonds, be, and the same is hereby, legalized.

§ 2. The said N. S. Ray, L. A. Spaulding, and R. H. Rountree, sinking fund commissioners, and their successors in office, are hereby authorized to sell or exchange said Madison county bonds, in order to raise the means to redeem the outstanding Marion county bonds, and to reinvest, if deemed by them prudent, the proceeds of bonds sold, so as to protect the credit of the county, and to increase, as much as can be done, the resources of the sinking fund.

§ 3. The county court of Marion may appropriate any surplus that may be in the hands of said commissioners, after fund sufficient is left to redeem said bonds, towards enlarging and improving the present court-house of Marion county, or towards building a new one.

§ 4. The sinking fund commissioners are authorized to pay out of the proceeds of said bonds any residue, to the order of the Marion county court, for the purposes named in the third section of this act, reserving sufficient to redeem all the outstanding bonds of said county.

§ 5. This act to take effect from its passage.

Approved February 2, 1872

1872.

CHAPTER 173.

AN ACT to incorporate the town of Martinsburg, in Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the town of Martinsburg, in the county of Elliott, be, and the same is hereby, incorporated, and the boundary of said town be as follows: Beginning at a beech at the mouth of a small drain, about one fourth of a mile above the house of J. K. Hunter, at or near the upper end of said Hunter's old Jos. Atkins' farm; thence running up the hill with the fence to the corner of the cross-fence, including a wheat field; thence running with said fence to the road, near Hunter's upper gate; thence running straight to Sandy creek; thence up Sandy creek to the beginning.

Election of trustees & their duties.

§ 2. That the qualified voters of the town of Martinsburg shall, on the first Saturday in March, 1872, and at the same time in each year thereafter, meet at the courthouse in said town and elect five trustees for said town, who shall hold their office for the term of one year, and until their successors are duly elected and qualified; that said trustees shall elect one of their body as chairman, who shall preside at all the meetings of said board, and sign the record of their proceedings; that a majority of said trustees shall be sufficient to transact business; that the chairman shall have power to adjourn the sessions of said board, and to call meetings at such time and place as he may designate; that said board shall have power to appoint a clerk to record the proceedings of said board, and a treasurer to receive and disburse all the money belonging to this corporation, under the order and direction of said board, and appoint an assessor to assess the property and list the tithes of said town.

Police judge and town marshal — when elected.

Duties of police judge.

§ 3. That on the said first Saturday in March, 1872, and every two years thereafter, said voters of said town shall elect a police judge and town marshal, who shall hold their office for the term of two years, and until their successors shall be elected and qualified; that said police judge shall have the same jurisdiction in civil cases as a justice of the peace, and in penal or criminal cases shall be and considered as a court of inquiry, with all the power and jurisdiction of a county judge or two justices of the peace, and shall have entire and exclusive jurisdiction of all cases arising under a violation of the by-laws and ordinances of the trustees of said town, and shall receive for their services the same fees as are allowed constables and justices of the peace for like services: *Provided*, There shall be no legal objections urged against his trying the same, and then a change of venue may be had to a justice of the peace; and that appeals may be taken

from the judgments of said police judge in the same manner, and under the same rules, as is now required by law regulating appeals from a justice of the peace.

1872.

§ 4. That said town marshal shall collect the taxes and revenues of said town, and all executions and attachments and assessments that may be issued by said police judge, and execute and return all process and precepts that may be issued by him, or any county judge or justice of the peace, that may be directed to him; and may perform all duties that a constable may rightfully perform, and be subject to all the penalties that constables are subject to for a failure to perform his official duty; and may be proceeded against, by suit or motion, in the same manner; before he shall enter on the discharge of the duties of his office he shall execute bond in the Elliott county court, with good surety, for the faithful performance of the duties of his office; any person having a right to do so may sue on said bond in any court having jurisdiction, or motion against said marshal, before said police judge, and recover judgment against said marshal and his sureties for all moneys collected on execution, attachment, fee bill, note, account, or other demand placed in his hands for collection; and also all such per cent. or damages allowed by law against constables for failing to pay over money when collected, or to return any execution or other process placed in his hands.

Duties of marshal.

§ 5. That before any of the officers before named shall enter upon the discharge of their several duties, they shall take the several oaths prescribed by the Constitution and laws of this State.

Officers to take oath of office.

§ 6. That the first election to be held herein shall be conducted by the clerk of the Elliott county court, who shall certify the poll-book, compare the same, and give certificates of election; the certificate of election of police judge shall be certified to the Governor of this Commonwealth, who shall issue a commission to the person thus elected; at all elections to be held thereafter, shall be held by two or more of said trustees, or the clerk of the county court, who shall certify as before directed.

Elections—how conducted.

§ 7. That said trustees, and their successors, shall be a body corporate, and, by the name of the "Trustees of the town of Martinsburg," may sue and be sued, plead and be impleaded, in all courts of common law or equity jurisdiction, use a common seal, and alter the same at pleasure, and have perpetual succession.

Trustees to be body corporate, with corporate name and style.

§ 8. This act to take effect immediately after its passage.

Approved February 2, 1872.

1872.

CHAPTER 174.

AN ACT for the benefit of White Sulphur school district, in Scott county.

WHEREAS, By a recent storm in White Sulphur district, Scott county, by which the district school-house was so damaged as to prevent the commencement of the school term at a day early enough to complete it within the time prescribed by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several trustees of said school district be, and are hereby, authorized to commence said school on or before the first day of March, 1872, and to continue the same the requisite five months.

§ 2. This act to take effect from its passage.

Approved February 2, 1872.

CHAPTER 175.

AN ACT to repeal an act, entitled "An act to amend the charter of the town of Lancaster," approved March 11th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend the charter of the town of Lancaster, approved March 11th, 1870, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 2, 1872.

CHAPTER 176.

AN ACT to amend an act, entitled "An act to incorporate the town of Frenchburg, in Menifee county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Frenchburg be, and are hereby, extended as follows: Beginning at the mouth of the State road fork of Beaver creek, near the house of Harrison Cassity; thence up and meandering with said State road fork of Beaver creek to the line of a boundary of land lately sold to James Armitage by G. W. McCormick; thence with said line, and including the same, to and including the lands of Judge B. F. Day; thence to Donathan's rock, including the land of J. M. Oliver; thence including the land of Joseph L. Johnson, Wm. S. Pierce, Hanibal Hackney, J. M. Greenwaide, F. W. Gross, and J. M. Vanarsdall, to the beginning.

§ 2. This act shall be in force from and after its passage. 1872.

Approved February 2, 1872.

CHAPTER 177.

AN ACT to amend the town charter of Lebanon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who shall hereafter be fined for an infraction of any by-law or ordinance of the town of Lebanon, in any court of competent jurisdiction, and shall fail to pay or replevy the same at the time it is imposed, said person shall be adjudged by the court to work on the streets of said town, at the rate of one dollar per day, and be confined in the county jail at night, until his or her labor shall amount to a sum equal to said fine, and the cost of confinement in said jail. The jailer of Marion county shall diet said person, for which, and cost of his or her confinement in said jail, he shall be paid by the trustees of Lebanon out of the treasury of the town. It shall be the duty of the marshal of Lebanon to take charge of the person so adjudged to work, and to see that the judgment of the court is faithfully executed.

Fine for violation of town laws may be worked out on streets.

§ 2. This act shall take effect ten days after its passage.

Approved February 2, 1872.

CHAPTER 178.

AN ACT for the benefit of the executors of James P. Mitchell, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the executors of James P. Mitchell, deceased, shall have the further time of two years from the passage of this act in which to collect fee bills due said Mitchell as late county judge of Boyle county.

§ 2. This act to take effect from and after its passage.

Approved February 2, 1872.

CHAPTER 179.

AN ACT to amend the charter of the Newport and Dayton Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Newport and Dayton Turnpike Company be, and the same is hereby, amended as

Company may sell their road to Dayton or Bellvue.

1872.

Said places
to issue bonds
to pay for said
road.

Said towns
may levy tax to
pay bonds.

When company
shall sell said
road, they shall
pay off debts of
the road and
distribute bal-
ance.

follows: the said turnpike company, with the assent of the stockholders, may, at any time, sell their turnpike road to the city of Dayton and town of Bellvue, or either of them, to be held by the said city and town in such proportions as they may agree upon; and for the purpose of raising money to pay for said turnpike road, the said city and town may issue their separate bonds, having not more than ten years to run, bearing interest at a rate not exceeding ten per cent. per annum, to which interest coupons may be attached for the payment of the interest annually, and may sell or hypothecate any or all of said bonds, and may levy separate taxes on the property of said city and town, and collect the same to pay the interest and the principal of said bonds at maturity.

§ 2. Whenever the said road shall be sold as provided in the first section of this act, the board of directors shall, out of the proceeds of the sale, proceed to pay off and discharge all the debts and legal liabilities of said turnpike company, and distribute the residue among the stockholders in proportion to their shares, and after that, the operations of said company shall cease, and all the franchises of the company shall be transferred to the said city and town; but nothing in this act shall impair or invalidate judgment or liens, or any contract previously made by said turnpike company with any person or persons in reference to said road, or the present bridge over Taylor's creek.

§ 3. This act shall take effect from its passage.

Approved February 6, 1872.

CHAPTER 180.

AN ACT to repeal Chapter 1108 of the Acts of 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That (chapter 1108 of the acts of 1871) an act, entitled "An act for the benefit of the citizens of Morganfield" (in Union county), be, and the same is hereby, repealed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 5, 1872.

CHAPTER 181.

1872.

AN ACT to amend an act, entitled "An act to incorporate the town of Rich Pond, in Warren county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Rich Pond are hereby authorized to grant coffee-house license to any person in said town, upon such terms and conditions as may be prescribed by the by-laws of said town and the laws of this Commonwealth.

§ 2. That it shall be unlawful for the county court of Warren county to grant a tavern license to any person or persons within the corporate limits of said town with the privilege to sell intoxicating liquors; nor shall it be lawful for said court to grant coffee-house license to any person within the aforesaid limits.

§ 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. This act to take effect and be in force from and after its passage.

Approved February 5, 1872.

CHAPTER 182.

AN ACT to amend an act, entitled "An act to incorporate the town of Pewee Valley, in Oldham county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall hereafter be the duty of the sheriff of Oldham county, Kentucky, by virtue of his office, to collect all taxes which may hereafter be assessed against the residents of the town of Pewee Valley, and against the owners of property therein. It shall also be the duty of the said sheriff, by virtue of his office, to collect all taxes heretofore assessed, under and by virtue of the authority of the board of trustees of said town, which remain unpaid. The said sheriff, in the collection of the taxes aforesaid, shall proceed as sheriffs are now allowed by law to proceed in the collection of State and county taxes, and he shall, in the collection of the taxes aforesaid, have all the rights, power, and authority of sheriffs in this State in the collection of the revenue.

Sheriff Oldham county to collect all taxes levied in said town.

§ 2 It shall be the duty of the assessor of the town aforesaid to deliver to said sheriff, on or before the first day of May, in each year, the tax bills of all persons subject to taxation for town purposes in said town, and to take his receipt therefor; and it shall be the duty of the sheriff to collect said tax bills within four months after re-

Town assessor to deliver tax-book to sheriff. Mode of procedure by sheriff to collect taxes, and his compensation therefor.

1872.

ceiving the same, to the extent that the same may be collectable by distress, levy and sale, or by voluntary payment; and he shall only return those as delinquents who cannot be found, or who have not enough estate to pay their said taxes. For collecting the said taxes the sheriff shall receive the same compensation now allowed by law for collecting the revenue, and he and his sureties shall be bound for the taxes he may so collect on his official bond for the collection of the revenue. He shall pay over to the treasurer of the town of Pewee Valley, all the town taxes collected by him on or before the 10th day of September in each year, and take the receipt of said treasurer, which shall be his quietus.

Writs from police judge to be directed to the sheriff or any constable of said county.

§ 3. All writs and other process issued by the police judge of the town of Pewee Valley shall be directed to the sheriff, or any constable of Oldham county, Kentucky; and the sheriff or constable in whose hands the same may be placed shall execute the same, and make due return thereof, and may charge for such service the fees now allowed by law in similar cases.

Town may condemn property for public use.

§ 4. The town of Pewee Valley shall have power to condemn and acquire for public use, by writ of *ad quod damnum*, as provided for in chapter one hundred and three of the Revised Statutes of Kentucky, any lands within the limits of said town which the board of trustees of said town shall deem necessary or proper for streets, lanes, avenues, or alleys.

§ 5. So much of the act to which this is an amendment as is in conflict with this act, is hereby repealed.

§ 6. This act shall take effect and be in full force from and after its passage.

Approved February 5, 1872.

CHAPTER 183.

AN ACT to amend the charter of the town of South Carrollton, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may erect a work-house, & confine violators of law in same.

§ 1. That the board of trustees of the town of South Carrollton, in Muhlenburg county, shall have the power and authority to erect, or cause to be erected, a work-house in said town, in which parties convicted of a violation of the ordinances or by-laws of said town may be confined or put to work; such period of confinement in said work-house, or at labor, shall not exceed one day for each two dollars of the fine.

May levy tax to pay for said work-house.

§ 2. The said board of trustees shall have full power and authority to levy and cause to be collected an ad

valorem tax upon the taxable property in said town, for the purpose of erecting said work-house. 1872.

§ 3. The marshal of said town shall have authority to apprehend all violators of the by-laws and ordinances of said town, and take them before the proper tribunal to be dealt with according to law; and all persons apprehended during the night-time may be placed and detained in the town work-house until the ensuing morning.

Powers of marshal of said town.

§ 4. The trustees shall also have full power and authority to appoint special policemen, when they may deem it necessary for the preservation of order in said town.

When necessary, trustees may appoint special police judge.

§ 5. The fines collected for a violation of any of the ordinances or by-laws shall be paid into the Treasury of said town, to be used and accounted as other revenues of said town.

Fines collected to be paid into treasury of said town.

§ 6. This act shall take effect and be in force from and after its passage.

Approved February 5, 1872.

CHAPTER 184.

AN ACT to repeal chapter 1175 of the acts of 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That (chapter 1175 of the acts of 1871) an act, entitled "An act for the benefit of the citizens of Caseyville," in Union county, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1872.

CHAPTER 185.

AN ACT to repeal chapter 1107 of the acts of 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That (chapter 1107 of the acts of 1871) an act, entitled "An act for the benefit of the citizens of Uniontown," in Union county, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1872.

1872.

CHAPTER 186.

AN ACT to amend the charter of the town of Greenupsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Greenupsburg shall have power and authority to pass by-laws regulating and controlling the travel and hauling over the town grade at the public landing. They may prohibit wagons and other wheeled vehicles from hauling heavy loads down or across the same with locked wheels; and they shall have the right to require companies or private persons, doing a large amount of hauling down said grade with heavily loaded wagons, to pay such tax for the privilege as, in the judgment of the board, may be reasonable and for the best interest of the town and the protection of the grade, not exceeding twenty-five cents per load.

§ 2. That in the collection of all town taxes, the same property shall be liable to a levy and sale that is now liable in the collection of State and county revenue taxes; and the town collector shall have the same power and authority to enforce the payment of said taxes that the sheriff of the county has to enforce the payment of other taxes; and this section shall apply to the collection of taxes already assessed and uncollected, as well as to the taxes hereafter to be assessed.

§ 3. This act shall take effect from its passage.

Approved February 5, 1872.

CHAPTER 187.

AN ACT for the benefit of the common school commissioner of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be, and he is hereby, authorized and directed to pay to F. M. Smith one hundred and forty-five dollars, out of the surplus belonging to Breckinridge county, for his services as common school commissioner in said county.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1872.

CHAPTER 188.

1872.

AN ACT to incorporate the White Oak Turnpike Road Company, in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a body-politic, by the name of the White Oak Turnpike Road Company, with power and authority to construct a turnpike road from a point on the Owingsville, Bald Eagle, and Sharpsburg Turnpike Road, near school-house of district No. 59; thence by way of J. J. Fleming's residence, to and down White Oak creek to the crossing of the Owingsville and Wyoming Turnpike, and also a branch road from some point on said White Oak creek to intersect the Owingsville and Sherburne Turnpike Road, on the East Fork of Flat creek, in Bath county, by any routes which may be adopted by the president and directors thereof, and that by that name it shall have perpetual succession; and may contract and be contracted with, sue and be sued. The capital stock of said company shall not exceed thirty-five thousand dollars, in shares of seventy five dollars; and at all elections each shareholder shall have one vote for each share held by him or them, which may be cast in person or by proxy.

§ 2. H. M. Butcher, William Bailey, J. J. Fleming, M. R. Stone, and Thos. F. Gudgell, or any two of them, as commissioners, may open books and receive subscriptions to said capital stock, at any time and place, until the whole is taken, or until sufficient stock is taken to construct said road, or to organize said company. As soon as two thousand dollars of said stock has been subscribed, the acting commissioners shall give, in writing, posted in Owingsville, and three public places on said route, ten days' notice of a meeting of the stockholders to elect three directors and a president to manage the affairs of said company; who shall hold their office for one year, and until the successors are duly elected and qualified. After the first election all subsequent elections shall be held on the first day of January in each year, at such convenient place as the directory may designate.

§ 3. That the president, or any two of the directors, may call a meeting of the stockholders at any time they may deem it necessary; and the president and any two of the directors, or, in the absence of the president, the three directors, shall form a quorum for doing business; and they shall have power and authority to elect a treasurer and such other officers and agents as they may deem necessary; to fill vacancies in the board of directors or other officers by appointment, until the next regular election. They shall also have authority to require and re-

Corporate
style.

Corporate
powers.
Capital stock.

Commission-
ers' names.

Election of
officers.

Quorum.

Duties and
powers of di-
rectors.

1872. ceive all and any necessary official bonds from the officers and agents of the company to secure a faithful performance of their trusts.

May have writ
to condemn
necessary prop-
erty.

§ 4. That the said company may acquire, by relinquishment, gift, deed, or writ of *ad quod damnum*, the right of way of the said road upon the routes adopted, and ground for toll-houses, not exceeding two acres to each house; and such rock, timber, and quarries as may be necessary to construct and keep their said road in repair, agreeing to pay, and paying, a fair and reasonable compensation therefor. The road to be thirty feet wide, and the part graded and covered with metal not less than ten feet wide, and the grade not exceeding four degrees in steepness.

Directors to
keep accounts
and make re-
port to stock-
holders.

§ 5. That the president and directors shall keep a fair and just account of all moneys which shall be received by them, and of all money by them expended in the prosecution of the work and business of the company; and all costs, charges, and expenses of said company shall be paid and discharged, and the amounts of the same shall be entered upon the books of the company, subject to the inspection, at all times, of any one or more of the stockholders. That the president, directors, and other officers of the company, shall annually, at the election of the officers thereof, make, each, a detailed report of their actings, and the condition of the company to the stockholders, which reports shall be kept on file in the records of the company.

May locate and
establish toll-
gates.

§ 6. That the said company, when they finish two miles of said road from the beginning, may locate and establish a toll gate thereon, and charge and collect half toll until they shall finish five miles of said road, when they can collect full toll. That the rates of tolls, and means of collecting same, upon said road, shall be the same as fixed by the provisions of chapter one hundred and three of the Revised Statutes, except as herein provided.

§ 7. That said company, after organizing, is authorized to receive subscriptions of stock to said company from the county of Bath, as now provided by law.

§ 8. That the Legislature reserves the right to amend, repeal, or modify this act of incorporation.

Approved February 5, 1872.

CHAPTER 189.

1872.

AN ACT to charter the Ludlow and Florence Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Ludlow and Florence Turnpike Road Company, which shall be a body-politic and corporate, for the purpose of constructing a turnpike road between the town of Florence, in Boone county, and the town of Ludlow, in Kenton county, or to intersect the turnpike between Anderson's ferry and Ludlow, as may be most expedient.

Name and style.

§ 2. The capital stock of said company shall be in shares of fifty dollars each, and shall not exceed thirty-five thousand dollars.

Capital stock.

§ 3. Books of subscription shall be opened by B. F. McGlasson, H. H. Riggs, Thos. G. Tupman, Geo. M. Bedinger, P. A. Hampton, and Francis Tupman, who are hereby appointed commissioners to take subscriptions to the capital stock of said company, at such time and place as they may think proper. They shall insert in the subscription-books an obligation as follows: We whose names are hereunto subscribed, severally promise to pay to the president and directors of the Ludlow and Florence Turnpike Road Company the sum of fifty dollars for each and every share set opposite our names, in such manner and at such times as shall be by them required under the law incorporating said turnpike road company. They shall also have power to take conditional subscriptions of stock, conditioned upon the location of the road, which subscriptions shall become absolute and binding upon the location of said road in compliance with the conditions.

Commissioners and their duties.

§ 4. When the sum of fifteen thousand dollars shall have been subscribed to the capital stock, it shall be the duty of the commissioners named to give notice in such manner and at such time and place as they may think proper, of a meeting of the stockholders for the purpose of electing a president and five directors for said company, in which election one vote shall be allowed for each share of stock subscribed unconditionally, and may be cast personally or by written proxy; and the president and directors so elected shall continue in office until their successors are elected and qualified. The said president and directors shall, before doing any business as officers of the company, take an oath to fulfill the duties of such offices to the best of their knowledge and ability. The time and place of election after the first shall be fixed by the president and directors, and shall occur once in each year; a majority of the board shall be competent to do business.

Election of officers.

Officers to take oath.

1872.

Corporate
powers.

§ 5. So soon as said company is organized by the election of a president and directors, they shall be a body-politic and corporate, under the name and style aforesaid, and have all the privileges of such, and generally do and perform all acts lawful for a corporation to effect the object for which said corporation was created; and of holding by gift, purchase, or otherwise, anything necessary for the prosecution of their work or the object of this corporation.

§ 6. Said corporation shall fix and regulate the grade of said road, its width, and amount of stone or gravel covering the same. They may designate the place for toll-gates, fix the rates of toll not exceeding the rates allowed by general law, and regulate or change the same. They shall have power, after one mile of road is completed, to erect a gate and collect toll.

May have writ
to condemn
land, &c., for
use of road.

§ 7. That as soon as said road is organized, they shall be authorized to receive the written consent of any of the landholders through or near whose land the road may pass of the right of way or grant of material for the construction of said road, or for keeping the same in repair, which consent, when given, shall be valid and binding according to the terms of the same. If, in any instance, they cannot agree with the owner or owners of lands for the right of way or for material necessary for the construction of said road, then the president shall apply to the county court of the county in which said land lies for a writ of *ad quod damnum* to assess the damages which the owner thereof may sustain by the construction of said road over the land or the taking of material for the construction of the same; and upon the payment or tender of the damages assessed it shall be lawful for the company to open and make said road, and do all the work pertaining thereto.

§ 8. The company shall have the right to occupy any public highway as it may be necessary for the construction of said road; and upon the construction of said road all public highways, whose use has been superseded by the same, shall be discontinued.

Notice to be
given of calls
on stock.

§ 9. The president and directors shall give notice, as they may deem proper, of the amount of call on each share of stock, and of the time and place of its payment. The unpaid portion of all subscriptions shall be a lien upon the stock subscribed for, and the stock of any defaulting stockholder may be sold at public auction for cash by the president of said company, in the town of Florence, after ten days' notice posted in three public places on the line of said road; and the company shall have the right to sue for and recover any balance that may remain after the sale of said stock, with interest at the rate of ten per cent. per annum from the time the same may have become due.

§ 10. The president and directors may annually appoint a secretary, superintendent, engineer, and treasurer, or such of them as they may deem necessary, of whom the treasurer shall give bond and security, in such sum as they may prescribe, to pay over all sums in hands to the order of the board. 1872.
Directors to appoint other officers, and their duties.

§ 11. The president and directors may, if they shall find it necessary for the completion of the road, issue and sell the bonds of the road for any amount necessary for the completion of said road, not exceeding one half the amount of the stock actually subscribed and paid in, bearing interest at any rate not exceeding ten per cent. per annum, and running for any length of time not exceeding twenty years, as they may deem best for the interest of the company. And the said bonds shall, from the time the same are issued and sold, be a lien upon the said road, which lien may be enforced by any court of competent jurisdiction in case of default of payment of either principal or interest as the same may become due. May issue bonds to complete road.

§ 12. This act shall take effect from and after its passage.

Approved February 5, 1872.

CHAPTER 190.

AN ACT to charter the town of Kuttawa, in Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Kuttawa, in Lyon county, be, and the same is hereby, incorporated, with such boundaries, streets, alleys, squares, parks, and other public grounds, as may be laid out and defined by the trustees in a plat and survey of said town, which said survey and plat shall be recorded in the Lyon county clerk's office. Town incorporated.

§ 2. That Charles Anderson, A. Latham Anderson, Thos. C. Skinner, Andrew P. Conant, and Andrew J. Martin, are hereby appointed trustees of said town, who shall hold their office until the first Monday of April, in the year A. D. eighteen hundred and seventy-three, at which time, and biennially thereafter, there shall be an election by the qualified voters of said town of five trustees, to serve for two years, and until their successors shall be duly elected and qualified. Trustees' names.
Election of trustees, and term of office.

§ 3. That previously to entering upon the duties of their office, the said trustees shall take an oath before some justice of the peace for Lyon county that they will faithfully, and to the best of their ability, perform the duties of trustees of said town, in addition to the oath required by the Constitution of this State. Trustees to take oath.

1872.

Trustees to
have plat made
and recorded.

§ 4. That the trustees shall cause a survey and plat of said town to be made out, defining the limits of said town, the streets, aileys, walks, parks, and any other public grounds, as they may determine on; one copy of which shall be recorded in the Lyon county clerk's office, as before ordained, and at least one other copy shall be retained and carefully preserved in the custody of the trustees.

Police judge
and marshal to
be elected.

Said officers to
take oath, and
marshal to give
bond.

§ 5. That on the same days that the election for trustees as aforesaid shall be held, the qualified voters of said town shall also elect a police judge and a town marshal, who shall also be the collector for said town. Before entering upon the duties of their respective offices, they shall each take the same oath hereinbefore precribed for the trustees; and the marshal shall also execute a bond to the satisfaction of the board of trustees, with approved security, conditioned for the faithful discharge of his duties.

Jurisdiction of
police judge.

§ 6. That the said police judge shall have jurisdiction within said town of civil causes to the same extent that justices of the peace now have in this Commonwealth; and shall have the same jurisdiction of crimes and misdemeanors committed within said county of Lyon that justices of the peace now have; and in criminal and civil cases he shall have the jurisdiction now given to two justices of the peace within said county; and shall have full jurisdiction within said town of all offenses against the by-laws, ordinances, rules and regulations, of said town; and shall have power to enter judgments and issue executions for all fines and penalties for such offenses; and his executions may be served by the marshal of said town in any part of said county, or by the proper officers in any county of this Commonwealth; and in general, the said police judge may fully exercise all the powers granted or authorized by the laws of this State to its justices of the peace; and may also charge and collect the like fees for his services: *Provided*, That all process issued by said police judge shall run in the name of the Commonwealth of Kentucky.

Power & duties
of marshal.

§ 7. That it shall be the duty of the said marshal to execute all process directed to him by the police judge of said town; to preserve order therein; have a care over all shade or ornamental trees in the streets, walks, parks, or other public grounds, and over the market-places and other property of the town; to arrest by warrant, or on his view of the actual commission of any violation of public order, or of any of the by-laws or ordinances of said town; to collect the taxes imposed by the board of trustees upon the inhabitants of said town, and duly to pay over the same to the treasurer at the times and in the modes prescribed by the rules, regulations, by-laws, or ordinances enacted and established by the board of trustees.

After having, as hereinbefore prescribed, duly qualified by the proper bond and oath, he shall also have the general powers of a constable, and shall be likewise subject to all the legal liabilities attaching to the duties of that office. In collecting the taxes of said town, he shall have the powers, and be subject to the responsibilities, of a sheriff in the collection of the State revenue, and shall receive therefor a ratable compensation with them; in all other cases, he shall receive the same fees as a constable.

1872.

§ 8. Whenever a vacancy may occur in said office, or in that of the police judge, or in any other office created by this act, it shall be the duty of the board of trustees to fill it at their next session, by appointment, until the vacancy shall be filled by election, as provided in the second section of this act; and which appointment shall operate to invest the appointees, to all intents and purposes, with all the rights, duties, and liabilities of their respective offices, as if the same had been originally filled in the mode herein generally provided.

Board may fill
all vacancies
in said offices.

§ 9. That the boundaries of the said town of Kuttawa may be extended and established in the manner prescribed in the fifth article of chapter one hundred of the Revised Statutes of Kentucky, with the exception of section three. In lieu of which, it is hereby enacted, that the order of court shall vest in the public all the rights of way and other uses, easements, and franchises, which are commonly appurtenant to the streets, alleys, walks, parks, and other public grounds of towns and cities; and shall vest in the said board of trustees the same rights of jurisdiction and authority over such addition or additions, which are hereby established within and over the same portion of the original town: *Provided*, That in all cases the rights of the proprietors of the land, as well in the matter of its fee simple as its equitable title, shall remain unchanged and undisturbed by these acts, although the same shall be expressly subject to the rights, uses, franchises, easements, jurisdiction, and authority of the general public, and of the trustees hereinbefore created and defined.

Trustees vested
with power
over streets, al-
leys, &c.

§ 10. That the said trustees, and their successors in office, shall be a body-politic and corporate, and known by the name and style of the "Board of Trustees of the Town of Kuttawa;" and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; that said trustees may have and use a common seal, which they may alter at pleasure; and in addition to the powers and privileges, and the duties and liabilities herein granted and imposed, they shall also, and in so far as the same may be consistent

Corporate
name and style
and powers.

1872. herewith, have and enjoy all the powers and privileges, and shall be also subject to all the duties and liabilities contained in, or intended by, the second, third, fourth, sixth, and seventh articles of chapter one hundred, of the Revised Statutes of Kentucky, being parts of the general law in relation to towns incorporated in this Commonwealth.

§ 11. This act shall take effect from and after its passage.

Approved February 5, 1872.

CHAPTER 191.

AN ACT to organize and establish a system of public schools in the town of Madisonville, county of Hopkins.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town of Madisonville made a school district.

§ 1. That all the territory now embraced within the limits of the town of Madisonville shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, appointed by the chairman and board of trustees of said town, as hereinafter directed.

Trustees of town to appoint school trustees.

School trustees to be body corporate, & their powers and privileges.

§ 2. The board of trustees of said town shall, at their first regular meeting in the month of June of each year, appoint five suitable persons, resident citizens of said town, as school trustees; and the persons so appointed shall constitute and be styled "The Board of Trustees of the Madisonville Public Schools," and by that name shall be known as a body-politic and corporate; and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever.

Said trustees to take oath.

§ 3. The said trustees so appointed shall take an oath faithfully to discharge their duties; and shall, within one month after their appointment, meet and organize. The chairman of the board of the trustees of said town shall be president of said board. In case of his absence or inability to act, a majority of said board shall elect one of their number as chairman to preside and discharge the duties of president *pro tempore*.

Secretary and treasurer to be appointed.

§ 4. The said board shall appoint some suitable person as secretary and treasurer, who shall hold his office for two years, and until his successor is appointed and qualified, and shall perform such duties as generally pertain to the position of secretary and treasurer, and all such duties as may be prescribed by the said board.

§ 5. All vacancies in said board shall be immediately filled by the chairman and board of trustees of said town by the appointment of some suitable person; but no person shall, at the same time, be a member of the board of the trustees of said town and a member of said board, except the chairman. The removal of a member from said town shall vacate his position.

1872.

Vacancies in board to be filled by trustees of town.

§ 6. The control and management of the public schools of the town of Madisonville, and the property and funds belonging thereto, and which may accrue in any way to them, or for their establishment, management, or maintenance under this act, or otherwise, shall be vested in the said board of trustees and their successors in office.

Control of schools & property to be vested in school board.

§ 7. The said board of trustees shall have power to make sub-districts, and all by-laws and rules for the government of themselves or their appointees, and for the dispatch of business, and for the management, control, and government of the schools, and to enforce such by-laws and rules, by suitable fines and penalties, to be recovered in any court having jurisdiction of the amount.

May make by-laws, rules and regulations.

§ 8. A majority of the members of said board shall constitute a quorum for the transaction of business. They shall meet at least once in every month, and shall fix the time of their meeting, and may meet as often as to them may seem necessary for the transaction of business. A majority of those present may transact any business, except in the making of a contract for the purchase or sale of real estate, for the erection of any building, or for the paying out of money, in which case a majority of the entire board must concur, and the yeas and nays shall be polled and recorded in the journal.

Quorum and meetings.

§ 9. Said board shall cause to be kept a regular and correct journal of their proceedings in a well-bound book, which, at all times, shall be open to the inspection of any member of said board, or any of the members of the board of trustees of said town, or any committee appointed by the board of trustees of said town.

Journal of proceedings to be kept.

§ 10. The board of trustees of said public schools shall appoint all teachers and other persons necessary to carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission to the schools; and they may fix the bounds of sub-districts for each public school within which the children shall be entitled to admission.

Board to appoint all teachers, & fix their compensation.

Shall prescribe studies, &c.

1872.

§ 11. All white children between the age of six and twenty years, within each district, shall have equal rights of admission to the schools of said district.

No religious doctrine to be taught in schools.

§ 12. No catechism or other form of religious belief shall be taught or inculcated in, nor shall any class-book be used or adopted for, said schools, which reflects upon any religious denomination; nor shall any school or class be so conducted as to interfere with the religious belief of parents or pupils.

Secretary and treasurer to execute bond.

§ 13. The secretary and treasurer, before entering upon his duties, shall execute a bond to the board of trustees of said public schools, with good and ample sureties, to be approved of by the said board of trustees, conditioned for the faithful performance of all his duties, and to pay over to the proper persons all moneys which may come to his hands by virtue of his said office. The secretary shall attend all meetings of the board, keep their records and papers, and perform such other duties as may be required or prescribed by the said board of trustees. The treasurer shall receive and dispense the moneys belonging to the school fund, keep accurate and true accounts in well-bound books of all his acts, and perform such other duties as may be prescribed or required by said board of trustees. The said secretary and treasurer shall receive for his services a salary to be fixed by the said board, and paid at such times as they may direct.

Board to make report to town trustees.

§ 14. The board of trustees of said public school shall, at the end of each scholastic year, and oftener if required by the board of trustees of said town, make out and report to the trustees of said town a written or printed statement, in such form as may be required by the said board of trustees of said town, showing the number of pupils in each of the public schools, and the condition and amount of property and funds belonging thereto, and such other information as the board of trustees of said town may from time to time require.

Town trustees to provide all lands to carry on schools.

§ 15. The board of trustees of said town shall provide the funds for buying the necessary ground, building the school-houses, and for that purpose the board of trustees created by this act, and their successors, are invested with all the property, money, rights, and credits of the trustees of the old Madisonville Seminary; and the board of trustees created by this act are authorized to sell and convey the said seminary house and lot, situated in the town of Madisonville, and described in a deed from Joseph Fugan to the trustees of said Madisonville Seminary, and apply the proceeds thereof, and also any money or credits now held by said seminary, or belonging to it, and any money otherwise provided by this act, to the erection of school-houses or houses in the town of Madisonville. The said trustees

1872.

may sell said seminary house and lot publicly or privately, upon such terms as they may deem advisable, and convey to the purchaser or purchasers the title in fee simple to the same. When said board of trustees shall have effected a sale of said seminary lot, it shall be their duty to report the same, together with the amount of the proceeds of same, to the board of trustees of said town; and thereupon it shall be the duty of the board of trustees of said town, if requested by the board of trustees created by this act, and they are hereby authorized, empowered, and required to raise such an amount as by them requested, by taxation on the property of said town, but which, when added to the amount realized from the sale of said lot, shall not exceed the sum of thirteen thousand dollars. Said amount to be raised for the purposes aforesaid shall be divided into three equal installments, and to be levied for in three years in the following manner, to-wit: The board of trustees of said town shall cause to be levied and collected, upon the same property, in the said town, as is taxed by the State for common school purposes, and the assessments to be made at the same time as required by law for municipal purposes for the year 1872, a tax sufficient to pay the first installment of said amount: *Provided*, That the property estimated under the equalization law shall not be so taxed: *And further provided*, That no property owned by negroes shall be so taxed. And they shall cause to be levied, in the same manner and upon the same terms, an amount sufficient to pay the remaining two installments respectively in the years 1873 and 1874. If it should become necessary, in order to make said two last installments available for the purposes mentioned in this act, then the said chairman and board of trustees of said town are authorized and empowered to borrow any amount not exceeding the amount of said two last installments, and for that purpose may issue bonds not exceeding in denomination one thousand dollars, running not longer than the time fixed for the payment and collection of said installments, and bearing interest at any rate not exceeding ten per cent. per annum, payable at the maturity of said bonds. The bonds in this section provided for shall be made payable to bearer, shall be signed by the chairman, and attested by the clerk of the board of trustees of said town, and shall pass by delivery, and shall be sold or discounted by the board of trustees of said town, or such person as they may authorize, for the best price they can get, or paid out for any building, or any other indebtedness created on account of said public school building or buildings. The said trustees of the town of Madisonville shall, at the time the levy is made to pay said installments, levy an additional amount to pay the interest on the installments levied for, and all cost of collecting the

May levy tax
to raise funds.

1872. same. The town assessor shall make the assessments necessary for the fixing and collection of said amounts under such provisions and rules as may be prescribed by the board of trustees of said town. Said amounts, and the interest on the same, together with the expenses of collecting the same, shall be collected by the marshal of the town by levy, distress, or sale, in the same manner as the town revenue is collected; and the officer, for said sums, shall, with his sureties, be responsible upon his official revenue bond, for the faithful discharge of his duties, with such penalties as are now prescribed by law for delinquencies.

Funds thus raised to be used for school purposes only.

§ 16. The funds arising from the levies directed to be made by section fifteen of this act, and the bonds by said section directed to be issued, shall be paid and delivered into the school treasury, or the said bonds may be delivered to the board of trustees of said public school, and by them used for the said building or buildings, and the purchase of ground, either by cashing them or paying them to contractors and others to whom the said board may be indebted on account of same. All moneys in the school treasury shall be under the control and management of the board of trustees of said common school, and used by them for the sole purpose of said public schools and purchase of property and erecting of buildings therefor. If any of said trustees, or the treasurer, shall, without authority of the board, use or appropriate any of said funds to his own use, he shall be deemed guilty of a felony, and upon conviction shall be confined in the penitentiary not less than one or more than five years.

Funds from State to be used in same manner as above provided

§ 17. The commissioner or commissioners for common schools shall annually make an estimate of the share or proportion of the State common school fund which would be coming or due to the school district of the town of Madisonville, if the boundaries of said town were taken as the boundary of said district, and shall annually pay over to the board of trustees herein created the full amount of such proportion or share, which shall be held by them as the other funds herein provided for.

May admit non-resident children to schools.

§ 18. The board of trustees of said public school may admit into any of the schools white children who are non-residents of the town of Madisonville, upon such terms and conditions, and upon payment of such charges, as to them may seem right.

Act to take effect when ratified by vote of citizens of said town.

§ 19. This act shall take effect and be in force so soon as the same shall be ratified by a majority of all the white votes cast of the white qualified voters of said town, at any election held for the purpose of taking the sense of said voters upon the subject of said ratification. The chairman and board of trustees of said town shall cause

this act to be published, and due notice of any election to be held for that purpose. 1872.

Approved February 5, 1872.

CHAPTER 192.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Richland school-house, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful for the Mason county court to grant a license to any saloon-keeper, merchant, or to any person, for the sale of spirituous, vinous, or malt liquors, or a mixture of any of them, within one mile of the Richland school-house, near the town of Helena.

§ 2. This act to be in force from and after its passage.

Approved February 5, 1872.

CHAPTER 194.

AN ACT to legalize certain orders of the Mercer county court.

WHEREAS, The county court of Mercer county, at its November term, 1871, levied an ad valorem tax of twelve cents on the one hundred dollars of taxable property in said county subject to taxation for State revenue purposes, to pay off the indebtedness of said county; and whereas, doubts arising as to the legality of said tax levied, aforesaid; for remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the county court of said county in making said levy, and all acts done in pursuance thereof, be, and the same are hereby, legalized and made valid for all purposes as fully as if made in strict conformity to law.

§ 2. This act shall take effect from its passage.

Approved February 6, 1872.

CHAPTER 196.

AN ACT concerning the county levy and taxation in Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Livingston county, a majority of the justices in commission being present and

1872. concurring therein, is hereby authorized to levy an additional tax, not exceeding twenty cents on each one hundred dollars' worth of taxable property in said county; and an additional tax of fifty cents for each poll, for the purpose of repairing public buildings in said county.

§ 2. That it shall be the duty of the sheriff to collect said tax under the same law and responsibility, as to himself and his sureties, and to receive the same compensation, as now prescribed by law for the collection of county levy, and pay over same to the order of said county.

§ 3. This act to take effect from and after its passage.

Approved February 6, 1872.

CHAPTER 198.

AN ACT for the benefit of district No. 3, in McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of McLean county be, and he is hereby, authorized and empowered to appoint the county assessor to assess the property in district No. 3, in said county, for taxes on subscriptions for railroad purposes; and it shall be the duty of the railroad commissioners to pay said assessor a reasonable compensation therefor.

§ 2. This act shall take effect from its passage.

Approved February 6, 1872.

CHAPTER 199.

AN ACT to amend an act, entitled "An act to authorize the Henderson county court to raise money by an ad valorem tax and issuing bonds," approved February 27th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the second section of the act approved February 27th, 1867, to authorize the Henderson county court to raise money by an ad valorem tax and issuing bonds, be so amended as to allow said court, constituted as set forth in said section, to borrow on the credit of the county any sum of money not exceeding forty thousand dollars, and to issue bonds of said county for this purpose, for such amounts, each, as they may deem proper, to bear interest at any rate not exceeding ten per cent. per annum, payable semi-annually.

Approved February 6, 1872.

CHAPTER 201.

1872.

AN ACT to amend the charter of Dry Creek and Covington Turnpike Company.

WHEREAS, It is represented to this General Assembly that the eastern portion of said road, lying east of Pleasant Run, is embraced in the corporations of Ludlow and West Covington, and constitute public streets therein; and it appears that the tolls collected by the company are insufficient to keep in repair the said road and the bridges across Dry creek and Pleasant Run; but it is thought the company keep up said bridges and road west of the east bank of Pleasant Run, if relieved of the expense of the road east of the last mentioned creek; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Dry Creek and Covington Turnpike Company be, and are hereby, authorized to give up to the corporations of Ludlow and West Covington so much of the said road as lies within said corporations; and such parts of said road shall henceforth constitute streets therein, and be controlled and managed as such; and said company shall no longer have any control thereof, or required to repair the same.

§ 2. That said company may remove its present toll-gate to a point west of Pleasant Run, and charge and collect the same tolls as are now authorized, though the length of the pike may be reduced to less than five miles: *Provided*, The said company shall keep up said bridges across Pleasant Run and Dry creek, and the approaches thereto, and to keep the road in traveling condition, though the macadamized part shall not hereafter be required to be more than twelve feet wide.

§ 3. This act to take effect from its passage.

Approved February 6, 1872.

CHAPTER 202.

AN ACT to amend an act, entitled "An act to authorize the Elliott county court to levy an additional tax for county purposes," approved March 8th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the Elliott county court to levy an additional tax for county purposes," approved March 8th, 1870, be, and the same is hereby, so amended as to allow said county court of Elliott to levy and collect twenty-five cents on each one

1872. hundred dollars' worth of property in said county, in addition to the amount allowed to be levied and collected by the provisions of the act to which this is an amendment; which said tax shall be expended in the payment of the present indebtedness of said county.

§ 2. The tax hereby allowed to be raised shall be levied and collected in the manner as directed in the act to which this is an amendment. This act, and the act to which this is an amendment, shall continue in force till the 1st day of January, 1874.

§ 3. This act shall take effect from its passage.

Approved February 6, 1872.

CHAPTER 203.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within one mile of the court-house, in Edmonton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to
sell liquors in
Edmonton.

§ 1. That it shall be unlawful, after this act takes effect, for the county court of Metcalfe county, or the board of trustees of Edmonton, or any other person or persons, to grant a license to any person or persons to sell, in quantities less than forty gallons, any spirituous, vinous, malt, or intoxicating liquors, or a mixture of the same, within one mile of the court-house, situated in the town of Edmonton, Metcalfe county, except to a practicing physician, for use in the practice of his profession, and for no other purpose.

Penalty for
violating this
law.

§ 2. That any person or persons selling such liquors shall be deemed guilty of keeping a tippling-house, and for the first offense, upon presentment of a grand jury, shall be fined one hundred dollars, and for every subsequent offense shall be fined two hundred and fifty dollars, the fines to be collected as other fines are collected; but nothing in this act shall be construed as prohibiting druggists from selling in any quantity, upon the written prescription of a practicing physician.

Penalty on
physician vio-
lating law.

§ 3. Any physician violating the provisions of this act by false representations to vendors of liquors as to the purposes to which he intends appropriating any liquors he may purchase, shall be deemed guilty of a misdemeanor; and for the first offense, upon presentment of a grand jury, shall be fined one hundred dollars, and for every subsequent offense shall be fined two hundred and fifty dollars, to be collected as other fines are collected.

Circuit court
to give in
charge to grand
jury.

§ 4. It shall be the duty of the circuit court to give this act in charge to the grand juries of said county at each term thereof: *Provided*, That nothing herein shall prohibit

the sale of liquors by those licensed at the time this act takes effect until the time of their license expires. 1872.

§ 5. That so much of an act, entitled "An act to amend and reduce into one all the acts concerning the town of Edmonton," approved March 18, 1871, as is in conflict with this act, be, and the same is hereby, repealed.

§ 6. This act shall take effect and be in force from its passage.

Approved February 6, 1872.

CHAPTER 204.

AN ACT to amend the charter of the Board of Internal Improvements for Anderson county.

WHEREAS, There are thirteen and three quarter miles of that portion of the turnpike road leading from Franklin county to Crab Orchard, in Lincoln county, within the limits of Anderson county, upon which there are only two toll-gates, and the establishment of another gate is necessary to enable the Board of Internal Improvements for Anderson county to realize the full amount of tolls which said company is entitled to collect on said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and board of directors of the Board of Internal Improvements for Anderson county be, and they are hereby, authorized to establish an additional toll-gate upon said thirteen and three quarter miles of turnpike road, at some suitable point on the same, which point may be determined upon by said board. May establish additional toll-gate.

§ 2. Said board of directors may have condemned, in the manner prescribed by law, a tract of land, not more than one acre, for the establishment and location of said additional toll-gate. May condemn land for said purpose.

§ 3. Said company are authorized to collect and receive tolls at said gate at the rate per mile for the additional three and three quarter miles now established by the general law, and at the same rate for any fraction thereof.

§ 4. Said toll-gate shall not be located by said company within less than one mile of any incorporated town.

§ 5. This act shall take effect from and after its passage.

Approved February 6, 1872.

1872.

CHAPTER 205.

AN ACT to amend an act, entitled "An act to incorporate the Stove, Grate, and Mantel Manufacturing Company," approved March 15, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to incorporate the People's Stove, Grate, and Mantel Manufacturing Company," approved March 15th, 1869, as fixes the name of the corporation thereby created, be, and the same is hereby, repealed; and that the name and style of said corporation shall hereafter be the "Hackett Manufacturing Company;" and by that name shall have and enjoy all the rights and privileges conferred by said act.

§ 2. This act shall take effect from its passage.

Approved February 6, 1872.

CHAPTER 206.

AN ACT prohibiting the vending of ardent, malt, or vinous spirits in the second magisterial district in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first of March, 1872, it shall be unlawful for any person in the second magisterial district, in the county of Mercer, to vend ardent, malt, or vinous spirits in the said district.

§ 2. That any person or persons violating the provisions of the first section of this act shall be liable to all the pains and penalties prescribed by existing laws against keeping tippling-houses, or retailing ardent spirits, &c.

§ 3. This act shall take effect from and after the first day of March next, 1872.

Approved February 6, 1872.

CHAPTER 207.

AN ACT authorizing the indexing of the order-books of the Mercer county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Mercer county court is hereby directed to make out and prepare an alphabetical index to each of the order-books in his office, from the year 1836 up to 1866, not heretofore indexed; and shall be allowed, as a compensation for his services therefor, at the rate of three cents per order; not, however, to exceed the

sum of five hundred dollars, to be paid by the Mercer county court of claims.

1872.

§ 2. This act shall take effect from and after its passage.

Approved February 6, 1872.

CHAPTER 208.

AN ACT to amend an act, entitled "An act to incorporate the Salt Lick, Esculapia, and Mount Carmel Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of said act, and the act amending said act, as levies a tax on the lands lying beyond Esculapia, and on the waters of the North Fork, be repealed.

§ 2. That said road shall commence at a point in the State road at or near Adam Bertram's, and from thence up the Esculapia Fork of Salt Lick creek along the route surveyed to Esculapia, and there terminate.

§ 3. This act shall take effect from and after its passage.

Approved February 6, 1872.

CHAPTER 209.

AN ACT to incorporate the trustees of the Presbyterian Church of Augusta.

WHEREAS, A division has taken place in the Presbyterian Church of Augusta, Bracken county: one portion of the members of the church adhering to "the General Assembly of the Presbyterian Church in the United States of America," and the other portion of the members of the church adhering to "the General Assembly of the Presbyterian Church in the United States," the former body popularly known as the General Assembly of the Presbyterian Church, North, and the latter body popularly known as the General Assembly of the Presbyterian Church, South; and whereas, that portion of the church in Augusta adhering to the latter assembly have a regular church organization, and have elders, deacons, and trustees in accordance with the established forms and usages of the Presbyterian Church; and whereas, but one of their trustees, to-wit: D. P. Boudé, was a member of the board of trustees before the division took place; in order that their said church should have a full board of trustees an election was held by the members of said church on the 14th day of Decem-

1872.

ber, 1871, and four additional trustees were elected, to-wit: James B. Ryan, P. S. Blades, T. S. Hamilton, and F. L. Cleveland, who, together with said D. P. Boude, make a full board of trustees in connection with that portion of the church adhering to the said latter assembly; and said church being desirous that said trustees shall hold their property in a corporate name now in their possession, or that which may be intrusted to them for the use and benefit of said church and congregation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators
names, and cor-
porate style.

§ 1. That James B. Ryan, P. S. Blades, D. P. Boude, T. S. Hamilton, and F. L. Cleveland, and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name and style of "The Trustees of the Presbyterian Church of Augusta, Kentucky;" and by that name shall have perpetual succession and corporate existence, with all powers incident to such corporations, so far as it may be necessary to protect and preserve the rights, titles, and privileges and immunities of said church which now belong to or may belong to said church; and to hold any property now in their possession and belonging to them, or in which they have an interest, or that may hereafter belong to said church and for its use, and to acquire and possess it for the benefit thereof, either by gift, purchase, or in any other manner, not exceeding twenty-five thousand dollars; and said trustees, or their successors, shall have full power to sell, and, by deed, convey the property in whole or in part of said church, and reinvest the proceeds for the benefit of said church, as may be directed by a majority of the members thereof at a meeting of the members held for the purpose, after reasonable notice.

Corporate
powers.

Vacancies—
how filled.

§ 2. That in the event of a vacancy in said board of trustees, such vacancy shall be filled by the members of the church, in accordance with the usages of the Presbyterian Church.

Quorum.

§ 3. A majority of said trustees shall, at all times, constitute a quorum; and it shall be their duty to keep a fair record of their proceedings, and appoint all such officers as may be necessary and proper for the comfort and convenience of said church and congregation, and for the preservation of their property; and to pass such by-laws and regulations, not inconsistent with the Constitution of this State and the United States, as they may deem proper.

May make
by-laws, rules
& regulations.

§ 4. The said trustees, and their successors in office, in the name of "The Trustees of the Presbyterian Church of Augusta, Kentucky," may prosecute and defend any and all suits necessary and proper for collections due said church, and for all property and rights that may be due

said church, and defend all suits instituted against them touching or affecting the same.

1872.

§ 5. This act shall take effect from and after its passage.

Approved February 6, 1872.

CHAPTER 210.

AN ACT to incorporate the Stoner Run and Kentucky River Turnpike Road Company, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Stoner Run and Kentucky River Turnpike Road Company, for the purpose of making an artificial road from a point at or near the mouth of Stoner Run branch, in Madison county, to a point on the Kentucky river, in said county, on or near the land of T. J. Lauter. Samuel Shearer, David McCord, Rufus McCord, and Ab. Shearer are appointed commissioners to open books and receive subscriptions of stock for the purpose of building said road.

Corporate name and style.

Commissioners.

§ 2. The capital stock of said company, and the shares into which said capital stock shall be divided, shall be regulated by the commissioners above named; and may be diminished or enlarged by the president and directors, from time to time, as the exigencies of the case may require.

Capital stock.

§ 3. The books for the subscription of stock in said company shall be opened at such times and places, under the direction of the commissioners above named, as they may deem proper, due notice having been given of the same.

May open books for subscription of stock.

§ 4. So soon as a sufficient amount of stock shall be subscribed to justify a commencement of said road, the commissioners aforesaid, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and four directors, who shall hold their offices for one year, or until their successors are elected and qualified. Upon the election and qualification of said president and directors of said company, they shall be a body-politic and corporate, by the name and style aforesaid; and by said name shall have perpetual succession; may sue and be sued; hold, acquire, and convey all necessary real or personal property for the purpose of constructing said road and keeping it in operation; and have all other privileges and franchises incident to a corporation.

Election of directors.

Corporate powers.

§ 5. The county court of Madison is hereby authorized to take stock in said road, not to exceed the amount per

County court of Madison may take stock.

1872.

mile which said county court now has the authority to subscribe by law to turnpike roads; and said county court is hereby authorized to assess the amount of stock said court may so subscribe, and it shall be collected according to the way made and provided by the existing laws of this Commonwealth.

§ 6. When two miles of said road shall have been completed, it shall be lawful for said company to put up a gate and exact toll.

Directors to
appoint other
officers.

§ 7. That the directors shall have power to appoint a treasurer, and such other officers and agents as they may deem necessary; and the treasurer, before he commences his duties, shall execute bond, with security to the company, for the faithful performance of his duties.

§ 8. That the entire width of said road shall not exceed fifty feet, and the macadamized part thereof shall not be less than twelve feet.

May make by-
laws, &c.

§ 9. The president and directors may make such by-laws as they deem necessary for the management of said road: *Provided*, The same are not inconsistent with this act or the Constitution and laws of this State.

§ 10. That the general laws of this State regarding turnpike roads, and not inconsistent with the provisions of this act, shall be parts hereof.

§ 11. This act shall take effect from its passage.

Approved February 6, 1872.

CHAPTER 211.

AN ACT to incorporate the Riverton Iron and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That H. W. Bates, Sebastian Eifort, James L. Waring, Edward F. Dulin, of the county of Greenup; and Evan T. Warner, of the county of Carter, their associates, successors, and assigns, are hereby created a body-politic and corporate, under the name of the "Riverton Iron and Mining Company;" and by that name may contract and be contracted with, sue and be sued; and shall have all the powers usual and incident to corporations.

Corporate
style.

Corporate
powers.

§ 2. The purpose of said corporation is the establishment of iron or steel works within the counties of Greenup and Carter; and for the establishment and operation of the said works, the said company shall have power to acquire and hold such real estate, by lease, fee simple, or otherwise, as it may deem necessary or expedient for its business; it shall have power to dig and mine for coal, iron ore, or other mineral deposits necessary in the business of said company; to take out, extract, smelt, refine, re-

1872.

duce, manufacture, and prepare for market any or all of said mineral products or deposits; to conduct manufactures of iron; to transport or send to any market, either in a raw or manufactured state, the products of their business, and sell them in or out of the State; to buy, erect, or construct all forges, furnaces, work-shops, depots, and other buildings, and all machinery, fixtures, and appurtenances deemed necessary or proper in carrying on its business; it shall have power to purchase, construct, and own wharves and landings on the Ohio river, or on the Little Sandy river, or its tributaries, for the purpose of operating its works or mines to the best advantage or interest of the company; it shall have power to locate, construct, and operate railroads, plank roads, or common roads, or any or either, to and from any of the works or mines of said company to any railroad now existing, or which may be hereafter constructed, or to any navigable river, within the limits of Greenup and Carter counties; and may build bridges over the streams which their roads may cross; and may acquire the land, timber, rock, or any material requisite for said roads and bridges, and the right of way and use of lands or quarries, either by agreement with the several proprietors, or by having the same condemned to the use of said company; and in the condemnation thereof for any road or railroad, and in the location, construction, and operation of such roads or railroads, with all requisite appendages, said company shall have the powers which are provided in chapter one hundred and three of the Revised Statutes, entitled "Turnpikes and Plank Roads." When such roads, railroads, or bridges shall be used by other parties for travel or transportation, the said company may charge and collect such rates of toll as the board of directors may determine, not exceeding the rates permitted by law to be charged by other corporations specially chartered to furnish such facilities for travel or transportation.

§ 3. The capital stock of said company shall not exceed three millions of dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and evidenced and transferred as may be prescribed by the by-laws of said company. The persons named in this act shall constitute the first board of directors; they, or a majority of them, shall have power to open books for subscriptions to the stock of said company, prescribe the terms of subscription, the time and manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed but not paid for, as required by the calls; and they may forfeit the stock of the defaulting stockholder, or collect the installments by suit, as they may elect; they may adopt such by-laws for the regulation and government of

Capital stock.

1872. said company as they deem expedient. When the sum of one hundred thousand dollars shall be subscribed, and such portion thereof paid in cash as the directors may require, the company shall be deemed fully organized, and may proceed with its business.

Powers of
directors.

§ 4. The board of directors shall have the general management of all business of said company, and may exercise any and all the powers hereby granted to the corporation; they may increase the capital stock of the company from time to time as they may deem expedient, either by new subscriptions, sales, or otherwise, to the extent of the limit named in section third of this act; they may, from time to time, pay dividends in stock or in cash, from the profits of their business, and may distribute the net receipts and proceeds of sales among the stockholders pro rata, or may retain them to be applied in extending the operations of the company; they may borrow money upon the bonds or other evidences of debt of the company, in such sums, and payable at such times and places, and at such rates of interest, not exceeding eight per cent. per annum, as they may deem expedient; and may execute mortgages or deeds of trust upon any or all of the property and franchises of the company, to secure the payment of such debts as may, from time to time, be created.

Directors to
appoint other
officers.

§ 5. The principal office of said company shall be at Riverton, in Greenup county; and branch offices, agencies, or depots may be established at other points within or out of this State. The meetings of stockholders or directors may be called and held at the principal office, or at any agency of the company. The board of directors shall have power to elect or appoint a secretary, treasurer, and such other officers and agents as they may deem expedient, and may fix their salaries, prescribe their duties, and the time of employment; and may require and take from any of them bonds, with security, for the faithful discharge of their respective duties.

Election
of directors—
when and how
held.

§ 6. Provision shall be made by the by-laws of the company for the annual election by the stockholders of a board of directors of not less than five nor more than nine members; and such elections shall be held annually. Each share of stock shall entitle the holder to one vote at any meeting of stockholders, and may be voted in person or by proxy. No person shall be eligible as a director unless he shall, when elected, own at least ten shares of stock, fully paid up. The directors, when elected in each year, shall choose one of their number president, as aforesaid; and they shall severally hold their offices until their successors are elected. The board of directors shall prescribe by by-laws the number necessary to constitute a quorum for the

transaction of business by said board; and they may fill any vacancies occurring in said board between the annual elections.

1872.

§ 7. This act shall take effect from and after its passage.

Approved February 6, 1872.

CHAPTER 212.

AN ACT to amend an act, entitled "An act to authorize the city of Newport to supply itself and others with pure water, and to establish water-works," approved January 26th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the bonds authorized to be issued by the city council of city of Newport, by section four of the act to which this is an amendment, said city council of the city of Newport shall have power and authority to issue additional bonds of said city to the amount of two hundred thousand dollars, for the purpose of constructing the water-works contemplated by said act.

§ 2. The bonds hereby authorized to be issued by said council shall be issued in the same manner, subject to the same conditions, and payable at the same time after their date, as the bonds mentioned in the act to which this is an amendment. All the provisions of the act of the General Assembly to which this is an amendment, relating to the issuing of bonds for constructing water-works by said council, shall be considered as applying to this amendment.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 7, 1872.

CHAPTER 213.

AN ACT to incorporate the town of Fulton, in Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Fulton, in Fulton county, be, and same is hereby, incorporated; the corporation limits bounded as follows: Commencing on the State line, and running east on the State line to Noah Norman's corner; thence north on section line to the Paducah and Gulf Railroad; thence to the mouth of the ditch in the rear of the Fulton Seminary; thence with the ditch to the east bank of the creek; and thence with the east bank of the creek to the beginning.

Corporate
boundary.

1872.

Trustees to be elected.

Corporate name and powers.

Police judge and marshal to be elected.

Term of office of trustees, police judge, and marshal.

Police judge to be commissioned by Governor.

Police judge to take oath, and his powers and duties.

§ 2. That there shall be elected five trustees for said town of Fulton, who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace that they will faithfully and impartially discharge the duties of their said office; that said trustees and their successors shall be a body-politic and corporation, and shall be known as the board of trustees of the town of Fulton; and by that name shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded; answering and being answered; defending and being defended, in all courts of this Commonwealth; and the warrant for offenses against the by-laws of said town shall be in the corporate name of the board of trustees of said town as plaintiff

§ 3. That there shall be a police judge and town marshal elected for said town; and that all persons living in said town, who have a right to vote for members of the General Assembly, shall have a right to vote for trustees, police judge, and town marshal for said town; that said trustees, police judge, and marshal shall be elected once every two years from the time of the first election under this act, which election shall be held on the first Saturday in May, 1872; and vacancies in any of said offices shall be filled by election, ten days' notice having first been given by the board of trustees; which notice shall be in writing, posted up in at least two of the most public places in said town.

§ 4. That before the police judge enters upon the discharge of the duties of his office, he shall be commissioned by the Governor, which commission shall be issued upon the trustees certifying to the Governor that he has been duly elected to fill said office. He shall take an oath before some justice of the peace similar to the oath required by law to be taken by county judges; that said police judge have exclusive jurisdiction of all offenses committed against the by-laws of said town, and concurrent jurisdiction with justices of the peace within the civil district in which said town is situated, of all criminal as well as civil and penal cases; and he may exercise jurisdiction without the intervention of a jury for all violations of the by-laws of said town, when the fine does not exceed ten dollars; and he may commit drunken and disorderly persons to jail for not more than twenty-four hours at any one time. He shall enter up judgments and issue executions and warrants in the same manner as justices of the peace. It shall be the duty of the police judge to keep a fair and just record of his proceedings, certified copies of which shall be evidence in all other courts. He shall have the power to issue summonses for witnesses,

and processes to compel their attendance, and fine persons for contempt in a sum not exceeding five dollars. He shall have power to order a jury to be summoned in like cases with justices of the peace, and shall receive in like cases the same fees with justices of the peace, and shall in the same manner be responsible for making out and collecting illegal fee bills.

1872.

§ 5. The board of trustees of said town shall have power over all streets, alleys, and sidewalks in said town; may direct the improvement of the same in such manner as they may deem most beneficial to the interest of said town; they shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this Commonwealth; they shall have power to levy and collect a tax upon the property and citizens of said town, not exceeding thirty cents on each one hundred dollars' worth of property, and one dollar and fifty cents on each tithe; they shall have power to tax auction sales, shows, and exhibitions for money such sums as they may fix by their by-laws; they shall have power to suppress all tippling-houses, houses of ill-fame, and disorderly houses, and in their by-laws to impose fines on the keepers of such houses, not exceeding twenty-five dollars, to be recovered before the police judge by warrant in their name; they shall have power to prohibit drunkenness, riots, routs, and unlawful assemblies, and to fine the offender; they shall appoint a treasurer and a clerk, and such other officers as they may deem necessary, taking from them bonds, payable to the trustees of said town, conditioned for the discharge of their respective duties; and suits may be instituted on said bonds in all courts having jurisdiction thereof, in the same manner that suits and motions are instituted against sheriffs and other officers for failure of duty.

Powers of trustees.

Trustees may make by-laws, rules and regulations.

May appoint other officers.

§ 6. That it shall be the duty of said trustees to appoint one of their number chairman of the board; that no money shall be drawn from the treasurer except upon his order, in pursuance of allowance made by said board.

No money to be drawn from treasury without warrant of chairman of trustees.

§ 7. That it shall be the duty of the treasurer and clerk of said town to keep a record of the proceeding which properly belong to their respective offices; and it shall be the duty of the treasurer to render an account to said trustees of all money received and paid out by him, whenever by them so requested to do.

Duties of clerk and treasurer.

§ 8. That whenever owners of real estate situate in said town shall fail or refuse to pay the taxes levied on same in pursuance to this act, the board of trustees may cause such real estate to be sold for taxes by the town marshal, the same being advertised not less than thirty

Trustees may sell real estate to pay taxes.

1872. days in three public places in said town; the owners of said property shall have two years from the date of sale to redeem the same by paying to the purchaser the purchase money, and interest on same at the rate of fifteen per cent. per annum; and in case the owners fail to redeem the same within the time allowed by this act, it shall be the duty of the town marshal, or his successor in office, to convey the same, by deed, to the purchaser; and this deed shall vest in said purchaser all right or title the former owner may have had in and to said real estate.

Right of appeal
from judgment
of police court.

§ 9. That upon all judgments rendered by the police judge of said town, either party shall have the right to appeal in the same manner that appeals are taken from justices of the peace in similar cases.

Duties and
powers of mar-
shal.

§ 10. That the marshal of said town shall serve all process and precepts to him directed from said police judge, or from the county judge, or any justice of the peace for Fulton county, and make due return thereof; collect all taxes assessed in said town, and all executions and other demands which may be put in his hands for collection; and shall, in all things, be governed by the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands; the said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the revenue tax, and in all other cases the same fees that are allowed by law to constables; and the said marshal shall have the same powers and rights given by law to constables throughout the county of Fulton; said marshal, before he enters upon the discharge of his duties, shall execute, before the board of trustees for said town, a bond, payable to the Commonwealth of Kentucky, with good security, conditioned that he will faithfully and impartially discharge the duties of said office, and in proper time pay over to the treasurer of said town all taxes, fines, forfeitures, and moneys belonging to said town which may come into his hands; he will also take the oath of office, and execute a bond similar to that required by law of constables before the county court of Fulton county; and on his failure to discharge any of the duties required of him by this act, or by any existing law, shall be subject to the same proceeding as may, by law, be had against sheriffs and constables in similar cases.

Fines and for-
feitures to be
paid into town
treasury.

§ 11. All fines and forfeitures in cases cognizable before the police judge of said town shall be collected and paid over to the treasurer thereof for the use and benefit of said town; and all moneys collected by judgment of the justices of the peace, for any violation of the penal laws committed within the limits of said town, shall be in like

manner paid over to said treasurer for the use and benefit of said town. 1872.

§ 12. This act shall take effect from its passage.

Approved February 8, 1872.

CHAPTER 215.

AN ACT to prohibit the sale of intoxicating liquors in Benson district, in Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on and after the 31st day of March, 1872, it shall be unlawful for any person or persons to sell, vend, or give away any spirituous, vinous, or malt liquors, ale, gin, wine, or brandy (except for medical purposes), within the bounds of Benson voting precinct, or within three miles of North Benson Baptist Church.

§ 2. Any violation of this law shall be deemed a misdemeanor, and punishable by a fine of one hundred dollars, or six months imprisonment in the county jail, or both, at the discretion of the jury; to be imposed by the usual penal prosecution in the Franklin circuit court.

Approved February 8, 1872.

CHAPTER 216.

AN ACT for the benefit of V. M. Deweese, of Butler county.

WHEREAS, At the ——— term of the Franklin circuit court judgment was recovered in behalf of the Commonwealth against V. M. Deweese, late sheriff of Butler county, and George Neel and others, his sureties, for the sum of \$319 85 on account of revenue tax for the year 1870, and (\$63 96) sixty-three and ninety-six hundredths dollars damages thereon, besides the costs of suit; and whereas, it appears to this General Assembly that the said sureties of the sheriff have fully paid off and discharged said judgment, including the damages; and whereas, the payment of the damages was a hardship upon the sureties; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts issue his warrant on the Treasurer of the State of Kentucky, in favor of George Neel and others, for the sum of \$63 96, the amount of damages paid as stated in the preamble to this act.

§ 2. This act shall be in force from its passage.

Approved February 8, 1872.

1872.

CHAPTER 217.

AN ACT to amend an act, entitled "An act to incorporate the town of Earlington."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Who shall
be qualified
voters.

§ 1. That the act incorporating the town of Earlington, in Hopkins county, Kentucky, approved January 31st, 1871, be amended as follows: The name of J. B. Atkinson is added as trustee of said town; and power is given to any three of the trustees named to organize as provided for in the original act; and they are clothed with all the powers and authority in said act conferred upon the trustees of said town. Only the bona fide male citizens of said town, who have resided within the limits thereof for sixty days next preceding the day of election, and who have paid their taxes and dues to said town before the election, shall be allowed to vote for trustees and officers of said town; neither shall any minor or other person, who is merely a temporary resident of said town, be allowed to vote at such election. A majority of the trustees elected shall constitute a quorum to do business.

Corporate
name and cor-
porate style.

§ 2. The board of trustees of the town of Earlington shall be a body corporate and politic; and shall be known and designated by the corporate name of the trustees of the town of Earlington; and by that name may sue and be sued, and have all the rights and privileges necessary to consummate the purposes of their appointment. The president of the board of trustees of said town shall, until the police judge is elected and qualified, as provided for in said original act, and when there is a vacancy in the office of police judge, or when he cannot properly preside, have and exercise all the powers and duties of a judicial officer conferred by said act upon the police judge; and all the decisions of said police judge or president, whether of a civil, penal, or criminal nature, where the amount in controversy, exclusive of costs, exceeds ten dollars, shall be subject to appeal to the Hopkins circuit or quarterly court, under the same regulations as is provided in appeals from justices of the peace.

President of
board of trus-
tees to act as
police judge
until one is
elected.

Appeals from
decision of po-
lice court.

§ 3. In the trial of civil causes before said police judge, either party shall have a right to a jury, when the amount in controversy exceeds ten dollars.

Parties may
summon jury.

§ 4. No coffee house license, as provided for in section twelve of said act, shall be granted, unless the applicant shall first pay over to the treasurer of said town a sum not less than one hundred dollars, to be used by the board of trustees for the benefit of said town, with such other restrictions as is provided for in said section.

Applicants for
license to retail
liquors must
pay license fee
before it shall
be granted.

§ 5. It shall be unlawful for any person to sell, by retail, any spirituous, malt, or vinous liquors within the limits of said town, without first having obtained a license so to do from the board of trustees of said town; and before the license shall be issued, the applicant, if he be a tavern-keeper, shall pay to the treasurer of said town a sum of money not less than fifty dollars; and if any other person, shall pay to said treasurer a sum to be fixed by the board of trustees, which amounts shall be in addition to the license now required by the laws of this Commonwealth.

1872.
It shall be unlawful to sell liquors without license.

§ 6. All license herein provided for shall run for one year, and shall not be assignable. Term of license.

§ 7. Section ten of the act to which this is an amendment, and all other parts of said act in conflict with this amendment, are repealed; and this act shall take effect from and after its passage.

Approved February 8, 1872.

CHAPTER 218.

AN ACT to amend an act, entitled "An act to incorporate the Cottage Furnace Iron and Manufacturing Company, in Estill county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Cottage Furnace Iron and Manufacturing Company, in Estill county," be, and the name and style of said corporation is hereby, changed to the "Cottage Iron Company."

§ 2. That the names of James H. Roberts, Henry Gardner, and Adam Baum, be, and they are hereby, stricken from the said corporation's charter, and that the names of Samuel Worthley, Frank Fitch, and Fred Fitch, and their associates and successors, be inserted in their stead, who are hereby invested with all the powers, rights, and privileges of the original corporators under said charter.

§ 3. This act shall take effect and be in force from its passage.

Approved February 8, 1872.

CHAPTER 220.

AN ACT for the benefit of James M. Greenwade, late sheriff of Menifee county.

WHEREAS, At the February term of the Franklin circuit court there was rendered a judgment against James M. Greenwade, late sheriff of Menifee county, and his sure-

1872. ties, for four hundred and six dollars and two cents (\$406 02), with interest thereon from June 1, 1870, until paid; and also the further sum of eighty-one dollars and twenty cents (\$81 20) damages, and three dollars and ten cents costs; and whereas, it appears from the record on file in the Auditor's office that said judgment, with interest and cost and Attorney General's fees, have been paid, and the only part of said judgment remaining unpaid is the sum of eighty-one dollars and twenty cents, adjudged as damages; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said James M. Greenwade and his sureties be, and are hereby, forever released from the payment of said sum of eighty-one dollars and twenty cents.

§ 2. This act to take effect from its passage.

Approved February 8, 1872.

CHAPTER 222.

AN ACT to incorporate the town of Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town bound-
ary.

§ 1. That the town of Jackson, in the county of Breathitt, be, and the same is hereby, incorporated, the boundary of which is to be as surveyed and laid off under the direction of Wm. D. Cardwell, Wm. M. Combs, and Waller Tipton, not to contain over seventy-five acres of land. The plat of said survey shall be made out and filed in the office of the clerk of the county court of Breathitt county, and to be by him recorded in his office, and another copy of said survey shall be filed by said Cardwell, Combs, and Tipton, with the trustees of said town of Jackson, which plat of survey shall form part of their record.

Trustees—
when and how
elected.

§ 2. That on the first Saturday in April, in each year, there shall be elected by the qualified voters residents in said town, five trustees in said town, who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace of said county that they will faithfully discharge the duties of the office aforesaid. That said trustees, and their successors, shall be a body-politic and corporate, and shall be known as the "Board of Trustees of the Town of Jackson;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth.

Corporate
name and pow-
ers.

§ 3. That said trustees shall elect one of their number as chairman, who shall preside over the deliberations of

said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary. The regular meetings of said board shall be on the first Saturday in each month; but all business transacted at a called meeting shall be as valid as though transacted at a regular meeting: *Provided*, That there are four trustees present at the called meeting. At a regular meeting three shall be capable of transacting business.

1872.

Meetings of board of trustees.

§ 4. That said board of trustees shall have power over the streets, alleys, and sidewalks, and may direct the opening and improvements of the same, in such manner as they may deem most beneficial to said town; they shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of the United States and of this Commonwealth; they shall have power to levy and collect a tax upon the property and tithes in said town not exceeding fifteen cents on each one hundred dollars' worth of property subject to taxation under the laws of this Commonwealth, and not exceeding two dollars on each tithe in said town, to be applied to the improvements necessary therein; they shall have power to purchase any lot or piece of ground for the use of said town, necessary to straighten and extend the streets therein, to tax auction sales, shows, and other public exhibitions, such sums as they, in their by-laws, may fix; they shall have power to fine all those who may violate their by-laws in relation thereto any sum not exceeding thirty dollars for each offense, to be recovered before either of the justices of the peace residing in the Jackson district. It shall be the duty of said board of trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and take bond and security; and for a violation of duty on the part of any such officers, motions may be made or suit brought before any tribunal having jurisdiction thereof; and a majority of said board of trustees may, for proper cause, remove any such officer, and appoint others in his or their stead. That it shall be the duty of said treasurer and clerk to keep a record of all proceedings which properly belong to their respective offices; and it shall be the duty of said treasurer to render an account to said board of trustees of all moneys received and paid out by him, whenever by them requested to do so.

May make by-laws, rules and regulations.

May levy and collect tax.

Trustees to appoint clerk, treasurer, and other officers, and remove same at pleasure.

Duties of clerk and treasurer.

§ 5. That no street or alley shall be extended over the land of any person unless such land sufficient so so extend said street or alley shall have been purchased as provided in section four, or unless it shall have been condemned as provided in chapter eighty-four, section one, Revised Statutes, in reference to public roads; and the proceedings to

Trustees may condemn land for streets, alleys, &c.

1872. extend said street or alley shall be in strict conformity to said chapter.

Money to be drawn from treasury only on order of chairman of trustees. § 6. That no money shall be drawn from the treasury except by order from the chairman of said board of trustees, made in pursuance of an allowance made by said board.

Right of appeal in cases of violations of town laws. § 7. That upon all judgments rendered by said justice of the peace in said Jackson district, founded on a violation of the town ordinances or by-laws, either party shall have the right to appeal in the same manner as parties have from judgments of justices of the peace now by law.

Constable of Jackson district to act as marshal. § 8. The constable resident in the Jackson district shall serve all process and precepts to him [directed] by either of the justices of the peace resident in said town district, and collect all executions and other demands which may be put in his hands, issued in accordance with the ordinances and by-laws of said town, and account for and pay over all moneys collected on behalf of said town to their treasurer; and on failure to discharge any of the duties herein required of him, shall be subject to the same proceedings which may be had against constables in similar cases.

Board to fix compensation of officers. § 9. Said board of trustees shall fix the compensation of all their officers, except the fees of the justices of the peace and constable in said district, whose fees shall be the same now allowed by law for similar services under the statutes of the State.

Fines and forfeitures to be paid into town treasury. § 10. All fines and forfeitures inflicted and collected under the ordinances and by-laws of said town shall be paid to the treasurer of the said board of trustees for the use and benefit of said town; and all moneys collected by a judgment of a justice of the peace for any violation of the penal laws committed within the limits of said town, shall, in like manner, be paid over to the treasurer, and be subject to the order of the chairman of the board of trustees of said town.

By-laws and ordinances to be entered of record. § 11. That all ordinances and by-laws passed by said board of trustees shall be transcribed in a fair, legible hand, in a book to be kept for that purpose, by the clerk of said board of trustees, as well as all the proceedings of said board, which shall be open to inspection to each and every citizen on demand.

Election of trustees—when and how holden. § 12. The first election of trustees under this act of incorporation shall be holden on the first Saturday in April, 1872, under the supervision of G. W. Sewell and Edward Marcum, as judges, who are hereby empowered to appoint a clerk and sheriff to assist in said election; but if said judges or either of them will or cannot act, they are hereby authorized to appoint a judge or judges in their place. The trustees elected at said election shall hold their

offices until the 1st Saturday in April, 1873, or until their successors are elected and qualified.

1872.

§ 13. The first board of trustees elected under this act shall provide, prior to the next election, proper officers for holding the same; and if, from any cause, the annual election contemplated by this act of incorporation for a board of trustees shall fail to be holden on the day required herein, the board then in office shall make the necessary provision for holding said election as soon thereafter as may be convenient; and they then shall give at least five days notice of the time and place of holding said election, by written notices posted in at least three public places in said town.

Trustees to provide for election of their successors.

§ 14. That if any officer of said incorporation shall fail or refuse to discharge any of the duties imposed upon him by this act, or the by-laws of said board of trustees, he shall be subject to a penalty of not more than twenty-five dollars, to be recovered before a justice of the peace in said town district, and which fine shall, when collected, be paid into the treasury of said incorporation, as other fines are by this act required to be paid.

Penalty for officers of said town failing to discharge their duties.

§ 15. That all acts or parts of acts coming within purview of this act be, and the same are hereby, repealed.

§ 16. This act to take effect from and after its passage.

Approved February 8, 1872.

CHAPTER 226.

AN ACT for the benefit of Wm. A. Byram, sheriff of Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Nicholas county be, and is hereby, authorized to pay the claim of Wm. A. Byram, sheriff of Nicholas county, for collecting railroad tax in the years 1869-'70-'71, in said county: *Provided*, They shall not pay him a greater sum than two hundred dollars per year for said years; said claim shall be allowed and paid as other claims against said county.

§ 2. This act shall take effect from its passage.

Approved February 8, 1872.

1872.

CHAPTER 227.

AN ACT authorizing the voters of Mackville precinct, in Washington county, to vote on the proposition whether ardent spirits shall be sold by retail in said precinct.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Washington county shall, on the first Monday in August next, cause a poll to be opened in the town of Mackville, in said county, and a vote to be submitted to the qualified voters of the election precinct in which said town is situated, whether ardent spirits shall be sold by retail in said election precinct; and if a majority of those voting on said proposition should vote in favor of said proposition, then it shall be lawful for the county court of said county to grant license to retail ardent spirits in said precinct as now authorized by general law.

§ 2. Said election shall be held by the officers who may hold the general election, and the vote shall be compared and certified by the officers authorized to compare the vote for officers of said county.

§ 3. This act shall be in force from its passage.

Approved February 8, 1872.

CHAPTER 228.

AN ACT to amend the charter of the city of Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

City council to elect city attorney.

§ 1. That the charter of the city of Augusta, in Bracken county, be, and the same is, so amended as to allow the mayor and councilmen to elect a city attorney, who shall hold his office one year, or until his successor shall be elected and qualified.

Duties of city attorney.

§ 2. It shall be the duty of said attorney to prosecute all offenses committed within the corporate limits of said city; and appear in behalf of the city in all matters where the city is interested; and shall receive for his services thirty per cent. of all fines for all violation of the penal laws of the State, and of the ordinances of the city; and in all suits against the city, a reasonable compensation shall be paid him by the said city.

Mayor may appoint pro tem attorney in absence of regular attorney. Qualifications of city attorney.

§ 3. In the absence of the city attorney, the mayor shall appoint a suitable person to act in his stead, who shall receive the same compensation for his services.

§ 4. No person shall be eligible to the office of city attorney unless he be a lawyer in practice in the Commonwealth, has resided one year in the city of Augusta, and is twenty-one years of age.

§ 5. That the council of said city of Augusta are hereby authorized, upon the reception of a petition signed by a majority of the bona fide tax-payers in said city, to take stock to the amount named in said petition in any turnpike road entering into said city, provided said stock shall not exceed \$5,000, and the same shall be owned by said city; and said council are hereby authorized to represent the same, either by vote or otherwise, in the election of directors of such turnpike roads.

1872.

City council authorized to take stock in turnpike roads.

§ 6. This act is to take effect from and after its passage.

Approved February 8, 1872.

CHAPTER 229.

AN ACT to prohibit the sale of vinous, spirituous, or malt liquors in Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful, after this act takes effect, for the county court of Nelson county, or any person or persons, to grant a license to any person or persons to sell, by wholesale or retail, any brandy, whisky, or intoxicating liquors, or any mixture thereof, within the limits or jurisdiction of said county, except as hereinafter provided.

Made unlawful to sell liquors in Nelson county.

§ 2. That it shall be unlawful for any person or persons to give to any other person or persons any whisky, brandy, or other intoxicating liquor or mixture thereof, under pretense of selling other articles to such person or persons, within the jurisdiction or limits of said county.

Unlawful to give liquors under color of sale of other articles.

§ 3. That any person or persons violating the provisions of section one or section two of this act shall be deemed guilty of keeping a tippling-house, and for the first offense, under indictment of a grand jury, shall be fined sixty dollars, and for every subsequent offense shall be fined one hundred dollars, said fines to be collected as other fines are collected.

Penalty for violation of law.

§ 4. That manufacturers and wholesale dealers in whisky and brandy in said county may sell same, to be delivered at the time of sale, but not in less quantities than five gallons; and it shall be the duty of the circuit court to give this act in charge to the grand juries of said county at each term thereof.

Manufacturers and wholesale dealers may sell and deliver in quantities over 5 gallons. Act to be given in charge to grand jury.

§ 5. That this act shall take effect whenever it shall be ratified by a majority of the voters of said county voting thereon on the first Monday in August next, when a poll shall be opened in every election district in said county for its adoption or rejection; and the county court clerk of said county shall prepare a column in the poll-books in

Act to be submitted to qualified voters of said county.

1872. said county for taking said vote, and the examiner of poll-books at elections in said county shall certify the result of said vote to the county court, and said court shall have the same entered upon its records.

Licenses of those now selling to expire before act shall be enforced. Liquors sold for medicinal purposes not to be in purview of act.

§ 6. That nothing herein shall prohibit the sale of liquor by those licensed at the time this act shall take effect until their license expires, nor to prohibit druggists or merchants from selling spirituous liquors for medicinal purposes, upon the written prescription of any physician resident in said county.

Approved February 8, 1872.

CHAPTER 230.

AN ACT for the benefit of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court to levy tax for public improvements.

§ 1. That hereafter the county court of Greenup county, a majority of the justices of the peace concurring, be, and hereby is, empowered and authorized, for the purpose of constructing bridges, and other public improvements necessary, to levy an ad valorem tax on the real and personal property of said county, as assessed for taxation for State revenue, not exceeding fifty cents per one hundred dollars of said property.

Former action of said court legalized.

§ 2. The ad valorem tax levied by the Greenup county court at its court of claims for 1871, to be collected in the year 1872, is hereby legalized, ratified, and confirmed; but the entire ad valorem tax levied by said county court, to be collected in said county in the year 1872, shall not exceed forty cents on the one hundred dollars.

Sheriff to collect said taxes, and be responsible on his bond therefor.

§ 3. That said taxes shall be collected by the sheriff of said county of Greenup, and accounted for by him in the same manner as the county levy is directed to be; and said sheriff, and his sureties in his bond for the collection of the county levy and taxes, shall be responsible for the faithful collection and accounting for by said sheriff of the taxes authorized by this act.

§ 4. This act shall be in force from its passage.

Approved February 8, 1872.

CHAPTER 231.

1872.

AN ACT to repeal the charter of the Methodist Episcopal Church, South, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Twelfth Street Methodist Episcopal Church, South, of the city of Louisville, Kentucky," approved 3d day of February, 1865, be, and is hereby, repealed.

§ 2. This act to take effect on and after its passage.

Approved February 8, 1872.

CHAPTER 232.

AN ACT to authorize the county judge of Lincoln county to sell and convey the poor-house property in said county, and reinvest the proceeds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the county court of Lincoln county be, and he is hereby, authorized and empowered to sell and convey all the poor-house property in said county, and reinvest the proceeds of the same in other property for like purposes, in a more convenient locality in said county: *Provided*, That no such sale or reinvestment shall be made by said county judge without first obtaining the advice and consent thereto of a majority of all the justices of the peace in and for said county.

§ 2. This act shall take effect from its passage.

Approved February 8, 1872.

CHAPTER 234.

AN ACT to repeal an act, entitled "An act to amend section six hundred and eleven, Civil Code of Practice," approved March 4, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend section six hundred and eleven, Civil Code of Practice," approved March 4th, 1865 (Myers' Supplement, page 27), be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 9, 1872.

1872.

CHAPTER 236.

AN ACT to incorporate the town of Boston Station, Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the town of Boston Station, a station on the Kentucky Central Railroad, in the county of Pendleton, with the following boundary: Beginning at southeast corner of farm owned by Morris, on the Licking river; thence westerly with Morris's south line to the county road running to Meridian; thence southerly with said county road, and including same, to the north branch of Harris creek; thence with said north branch and Harris creek, following the meanderings thereof, to the Licking; thence with the Licking river as it meanders to the place of beginning, be, and the same is hereby, incorporated and established as a town.

Trustees, police judge, and marshal—when and how elected.

§ 2. That hereafter the fiscal, prudential, and municipal relations of said town shall be vested in four trustees and a police judge, who, by virtue of his office, shall be chairman of the board of trustees, who, together with a town marshal, shall be annually elected on the first Saturday in February, by the male inhabitants over the age of twenty-one years, who shall have resided in said town three months previous to said election, and are qualified voters by the laws of this State.

Qualification of voters.

Term of office of police judge, trustees, and marshal.

§ 3. That the police judge, trustees, and town marshal shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified, who, before entering upon the duties of their office, shall take an oath before some legally authorized officer that they will support the Constitution of Kentucky, and faithfully, and without favor or affection, discharge the duties of their office during their continuance therein.

Qualification of said officers.

§ 4. That no person shall hold the office of police judge, trustee, or marshal, who is not, at the time of holding the same, a citizen of said town, and has lived therein six months next previous to his or their election, and shall be at least twenty-one years of age.

Corporate name and powers.

§ 5. That said police judge, trustees, and their successors in office, shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the town of Boston Station; and by that name shall be capable in law of contracting and of being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do within the limits of the powers herein granted.

§ 6. That said board of trustees shall have power over the streets, alleys, and sidewalks in said town, or which may hereafter be opened; may direct the improvement of the same in such manner as they deem most beneficial to the interests of said town; they shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this State; they shall have power to levy and collect a poll-tax not exceeding, annually, two dollars on each tithable, and also an ad valorem tax on the property of the citizens of said town, both real, personal, and mixed, including every thing now taxed for revenue by the laws of this State; and on the real estate in said town, owned by non-residents of said town, not exceeding, annually, one dollar on each one hundred dollars' worth; they shall have the power to declare what are nuisances in said town, and by their order direct the same to be abated and removed, and may impose a fine upon whomsoever may have committed the same; they shall have power to tax auction sales, shows, concerts, and exhibitions for money, when held within said town.

1872.

Trustees may make by-laws, rules and regulations, levy taxes, &c.

§ 7. That said board of trustees shall have power, and the exclusive control and right, to grant license for the sale, by retail, of all spirituous, vinous, or malt liquors within said town, or within one mile thereof; and no person shall have the right to sell spirituous, vinous, or malt liquors in said town, or within one mile thereof, without first having obtained a permit or license from said trustees, any law or statute to the contrary notwithstanding; they shall have power to tax all taverns, tippling-houses, merchants, license not exceeding two hundred dollars, and all ale and beer saloons not exceeding one hundred dollars: *Provided*, That nothing in this act shall excuse said persons from paying the tax to the State, and obtaining their license from the county court and executing bond, as now required by law.

May grant license to sell liquors in said town.

Made unlawful to sell liquors without license

May tax taverns, tippling-houses, &c.

§ 8. That it shall be the duty of all the trustees, annually (after their election), to appoint a clerk, treasurer, collector, assessor, and overseer of the streets and alleys, and such other officers as they may deem necessary; and take from the treasurer and collector bond, with approved security, payable to the trustees of the town of Boston Station, in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof on the part of either of said officers, motion may be made, or suits brought, before any tribunal having jurisdiction, in the same manner, and under the same rules and regulations, that motions are made or suits brought against other officers for failure of duty; and the said trustees shall have the power to remove either of them for

Trustees to appoint officers and prescribe duties.

1872. failure to do their duty, and to appoint others in their place.

Duties of
clerk.

§ 9. That it shall be the duty of the clerk to keep a record of the proceedings of the trustees; to draw all orders on the treasurer for the payment of money when ordered by said trustees, and to issue license for shows, exhibitions, &c., when the treasurer's receipt is presented to him for the amount of the tax, and do all other acts which the trustees may legally require him.

Duties of
treasurer.

§ 10. That it shall be the duty of the treasurer to receive and keep all moneys belonging to said town subject at any time to the order of the trustees, attested by their clerk, and, to render annually to the trustees an account, and oftener if required by them to do so.

Duties of
collector.

§ 11. That it shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same over to the treasurer; and to make out and return to the trustees, within four months after the list shall have been placed in his hands for collection, a report of the amount collected, and who from, and the names of the delinquents, and the amount due from each; whereupon the said board of trustees shall have the power, and it shall be their duty, to make an order commanding and requiring the collector to levy upon so much of the delinquent's property, either personal, real, or both, as may be sufficient to pay and satisfy the amount of the tax and costs that may be due; and in pursuance of which order the collector shall make the said levy; and having advertised the said property for sale at the post-office door in said town for at least fifteen days, shall thereupon proceed to sell, at some public place, so much as may be necessary to pay the tax and costs thereon to the highest bidder, to whom the said collector shall give a certificate of his purchase upon his paying the amount bid, which certificate shall entitle the purchaser, his heirs or assigns, to demand from, and receive of, the board of trustees, a deed of the conveyance of said property described in said certificate, warranting alone against themselves, at any time after twelve months from the time of sale of said property, unless the owner or owners thereof shall have redeemed the same by paying to or tendering the purchaser, and giving notice to the said trustees of the payment or tender of, the amount of said purchase money and costs, with fifty per cent. thereon, and the purchaser, in all cases, paying the expense of making the conveyance; and the trustees shall have a lien upon all property in said town, both real and personal, for the tax; and the collector shall have power to levy on and sell personal property for tax without an order of the trustees, and prior to the time appointed for him to return his delinquent list: *Provided, however,*

That non-residents of the county may have two years to redeem in under the same regulations above provided for others, with the addition of twenty-five per cent. more if not redeemed in the first year: *And provided further*, That infants, *femes covert*, idiots, and lunatics, may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax and costs and twenty-five per cent. per annum from the time of sale.

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§ 12. That it shall be lawful for said trustees to enter up an order directing the citizens of said town, or any portion thereof, or lot-holder, whether living in said town or any other place, to pave a footwalk in front of their respective lots, of such width and kind as they may direct, a copy of which order shall be delivered to the owner, his agent, or the person in possession of the property, by the marshal; and it shall be lawful for said trustees, upon the failure of any citizen or citizens of said town, or owner of property in said town, for three months after service of said order to pave said footwalk, to have the same done; and the property in front of which said footwalk is made shall be responsible for the expense, and may be sold in the same manner as is provided in section eleven for the sale of property for tax.

Trustees may order streets improved.

Penalty for failure to comply with order.

§ 13. That immediately after the election in each year, the clerk of the trustees shall make out and certify to the Governor the name of the person who has received the highest number of votes for police judge, which shall be sworn to before some judge or justice of the peace, and certified by him; whereupon the Governor shall cause a commission to be issued to him as police judge of the town of Boston Station for one year, and until his successor is duly qualified. The said police judge shall have jurisdiction of all offenses arising under the by-laws and ordinances of said town; and shall have power to issue warrants, enter judgments, and award execution, and issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction within the limits of said town of all causes, civil and criminal, in which justices of the peace have jurisdiction; and as a court of inquiry in criminal cases he shall have the jurisdiction of two justices; he shall have power to fine and imprison for contempt, not exceeding five dollars fine nor three days imprisonment; he shall have power to order a jury to be summoned in any case cognizable before him, where a jury would be required before a circuit court or justice of the peace; he shall have concurrent jurisdiction in civil and criminal cases with justices of the peace in Pendleton county; and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power to

Governor to commission police judge.

Power and authority of police judge.

1872.

award process and issue writs, as may be necessary to enforce the due administration of right and justice, and for the lawful exercise of his jurisdiction agreeable to the usages and principles of law. It shall be the duty of each police judge to keep a record of all his official proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either party shall have the right of appeal from all judgments rendered by said judge, in the same manner as appeals from justices of the peace in similar cases; and said judge shall hold his courts for the trial of civil causes quarterly, at such times as he may designate; he shall keep a docket, order-book, and execution-book, which shall be provided for him by the board of trustees, and be paid for out of the funds of said town.

Duties of
marshal.

§ 14. That it shall be the duty of the marshal to serve notices, &c., and all process and precepts to him directed from said police judge, justice of the peace, or county judge, and make due return thereof; and he shall collect all executions and other demands which may be put into his hands to collect, and pay the same over to whomsoever may be entitled thereto, under the same rules and regulations required by law in the collection of executions and other demands. The said marshal shall execute bond, payable to the Commonwealth of Kentucky, in such sum as the trustees may require, for the faithful and legal performances of his duties; and also take the oath required of sheriffs.

Vacancies in
any of said
offices to be
filled by elec-
tion.

§ 15. That whenever a vacancy occurs, by death, resignation, or otherwise, in the office of police judge, marshal, or trustees of the town of Boston Station, that a majority of the remaining board of trustees shall cause an election to be held to fill said vacancy, after having first given three days' notice of the same; and said election shall be held and conducted in the same manner as regular elections.

Fines and for-
feitures to be
paid into town
treasury.

§ 16. That all fines and forfeitures for the breach of any by-law or ordinance of said town, whether tried before the police judge, justice of the peace, or county judge, shall be paid over to the treasurer of said town for its use and benefit, and shall be for the use and benefit of said town, any law to the contrary notwithstanding.

Fees of police
judge.

§ 17. That the police judge shall be allowed to charge and collect the following fees, to-wit: for issuing a warrant in a civil case, twenty-five cents; for a peace warrant, riot, rout, breach of the peace, unlawful assembly, or disturbing religious worship, one dollar; for a warrant for a violation of a by-law or ordinance of said town, when the trustees are plaintiffs, fifty cents; for swearing a jury and presiding over a trial in any case, except

forcible entry and detainer, one dollar, to be charged to the applicant; and for any and all other services the same fees as are now allowed justices of the peace for similar services.

1872.

§ 18. That the fees of the marshal shall be the same as are now allowed to constables.

Fees of marshal.

§ 19. That the collector shall be allowed and entitled to the same fees as sheriffs for similar services.

Fees of collector.

§ 20. That from year to year the board of trustees shall fix the amount to be paid to the clerk, assessor, and street overseer for their services.

Trustees to fix compensation of other officers.

§ 21. That previous to each annual election the trustees shall appoint three suitable persons to hold said election, who shall, on the first Saturday in February, at 9 o'clock, A. M., open the polls for the election of the officers provided for in this charter, and keep the same open until 4 o'clock, P. M., and shall return, under oath, to the clerk of said trustees, a just and true list of all the votes cast immediately after the close of the polls.

Trustees to provide for annual election of town officers.

§ 22. That the citizens of said town, and the property thereof, shall be exempt from the operation of the road law.

Citizens exempted from road laws.

§ 23. That Lyman Harding, jr., be, and is hereby, appointed police judge of the town of Boston Station; Jas. Lawhorn, marshal of said town; and Jno. W. Hall, Lloyd W. Kirby, Alfred Fryer, and T. Jefferson McKee, trustees of said town, whose term of office shall be until their successors are elected and qualified, as hereinbefore provided.

Temporary officers.

§ 24. That this charter shall go into effect from and after the passage thereof.

§ 25. That the Legislature reserves the right to repeal, alter, or amend this act at pleasure.

Approved February 9, 1872.

CHAPTER 237.

AN ACT to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police court of the city of Hickman, in Fulton county, shall only have civil jurisdiction in cases where the defendant or defendants are residents of said city.

§ 2. That only residents of said city shall be required to serve as jurors in said court.

§ 3. That all acts or parts of acts in conflict with this act are hereby repealed.

1872. § 4. This act shall be in force from and after the first day of March, 1872.

Approved February 9, 1872.

CHAPTER 239.

AN ACT in relation to the levy court of Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levy court or court of claims of Spencer county shall hereafter meet the first Monday in May, instead of October, as now required by law: *Provided*, If the levy be not made at the time prescribed, it may be made at any subsequent time.

§ 2. All laws in conflict with this act, are hereby repealed.

§ 3. This act to take effect from and after its passage.

Approved February 9, 1872.

CHAPTER 240.

AN ACT to authorize the levy court of Union county to levy an additional tax to pay for work on roads and bridges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levy court of Union county be, and it is hereby, authorized to levy an ad valorem tax of ten cents on each one hundred dollars' worth of taxable property, and a capitation tax of one dollar on each tithe, in addition to all other taxes now levied in said county, for the purpose of raising money to pay the indebtedness of said county for work heretofore done on roads and bridges, or for money borrowed to pay the same.

§ 2. The power conferred by the first section of this act may be exercised at any regular, called, or adjourned term of said court at which a quorum of the justices may be present.

§ 3. This act to take effect and be in force from and after its passage, and remain in force for the period of two years, and no longer.

Approved February 9, 1872.

CHAPTER 241.

1872.

AN ACT in relation to delinquent tax-payers in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the superintendent of public roads in the county of Union, and his assistants, be, and they are hereby, authorized, empowered, and required to collect all the capitation taxes for county purposes due from delinquent tax-payers in said county, in the same manner, and with the same penalties against such delinquents, as prescribed in section twelve (12) of an act, entitled "An act to re-enact and amend the road law of Henderson, Union, and Taylor counties," approved March 11th, 1869.

Superintendent of roads to collect delinquent taxes.

§ 2. That the provisions of this act shall apply to all such delinquents reported since the year 1866, and to such as may hereafter, from time to time, be reported.

Law to apply to all delinquents since 1866.

§ 3. That it shall be the duty of the clerk of the county court of said county, within sixty days after the passage of this act, to make out and deliver to the superintendent of public roads a complete list of such delinquents for each year since 1866; and within thirty days after any list of delinquents under the road tax and county levy may hereafter be returned to, and received by, the levy court of said county, he shall make out and deliver to said superintendent a certified copy of the same; and such lists and copies of lists shall be taken as evidence in any proceeding under this act, or the aforesaid act to re-enact and amend the road law of Henderson, Union, and Taylor counties.

Clerk of county court to make out list of delinquents.

§ 4. The levy court of said county shall pay the clerk a reasonable compensation for the services herein required.

Compensation of clerk for list.

§ 5. That this act shall take effect and be in force from and after its passage.

Approved February 9, 1872.

CHAPTER 242.

AN ACT to legalize the subscription of stock to the New Castle and Kentucky River Turnpike Road Company by the court of claims of Henry county.

WHEREAS, The county court of claims for Henry county, at its October term, 1871, subscribed ten shares of stock, of fifty dollars each, to the New Castle and Kentucky River Turnpike Road Company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The stock subscribed by the court of claims of Henry county, at its October term, 1871, to the New

1872. Castle and Kentucky River Turnpike Road Company, is hereby legalized, and is in every way as binding, and of as full force, as if the court had the authority of law to make said subscription.

§ 2. This act to take effect from its passage.

Approved February 9, 1872

CHAPTER 243.

AN ACT for the benefit of the Augusta and Dover Turnpike Road Company, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons residing adjacent to, and owning lands on, the line of the Augusta and Dover Turnpike Road, be required to pay their road taxes in money to the superintendent of said road.

§ 2. That the superintendent of said turnpike road shall use all taxes collected from said person or persons in repairing said road each year.

§ 3. That the road commissioner of said county be required to lay off said turnpike road into one precinct, and furnish a list of road taxes in said precinct to the superintendent of said turnpike road, as the law now provides for common roads.

§ 4. That this act shall take effect from and after the first day of July, 1872.

Approved February 9, 1872.

CHAPTER 245.

AN ACT authorizing and empowering the county court of levies and disbursements of Rockcastle county to levy an additional capitation and ad valorem tax for the purpose of building a new court-house, clerks' offices, &c., for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court may levy tax to build new court-house, &c.

§ 1. That the county court of levies and disbursements for Rockcastle county (a majority of the justices being present) shall levy a poll-tax, not to exceed two dollars and seventy-five cents on each tithe, and an ad valorem tax, not to exceed twenty cents on each one hundred dollars' worth of taxable property in said county, same to be levied annually, from year to year, until the required sum, with its accumulated interest, is raised for the purpose of building a good and substantial court-house, fire-proof vaults for records, and other public buildings.

§ 2. That in order to procure the money that the buildings may be commenced, and at once, and completed at an early day, said county court is hereby authorized to issue coupon county bonds, in sums from one hundred to one thousand dollars each, to be due fifteen years after date, with right of redemption after three years from date by the county. Said bonds to bear interest from date at the rate of ten per cent. per annum, to be paid annually; the bonds to be signed by the county judge, and attested by the county court clerk, under the seal of his office; and when so issued, to be placed in the hands of the receiver appointed by M. J. Miller, William Stuart, J. J. Williams, John M. Fish, and M. J. Cook, who are hereby constituted and appointed the building committee to superintend the construction of the buildings contemplated by this act. Said receiver, when so appointed, shall put said bonds upon the market, and sell a sufficient amount of them to realize a sum not to exceed sixteen thousand dollars, and shall not sell them at a less value than ninety-five cents to the dollar.

1872.

May issue bonds for said purpose.

Receiver to sell said bonds.

§ 3. That the receiver so appointed shall be required to execute bond, with good security, to be approved by the county judge, for the faithful performance of his duty, and for the forthcoming of the money so raised when called for by the building committee, whose duty it shall be to check upon the receiver for funds, and disburse the same.

Receiver to execute bond for faithful discharge of duty.

§ 4. All sums levied by virtue of this act shall be collected and accounted for by the same officer who collects the revenue tax and county levy of said county for the time-being, with like authority and responsibility which appertain to said officer and his sureties in the collection of said revenue tax and levy: *Provided, however,* If there should be, at any time, no sheriff in said county, the county court, a majority thereof concurring, shall be authorized to appoint a suitable person as special collector of said tax mentioned in this act; said collector to receive a compensation not exceeding twelve and one half per cent. commission for the collection of said tax; said collector to execute bond, and take an oath of office, as is now required by law of sheriffs; the bond to be approved by the court and attested by the clerk, and to be spread at large upon the order-book of the county court.

Tax to be collected by regular collecting officer of county, under usual responsibility.

Compensation of collecting officer.

§ 5. It shall be the duty of the officer so collecting to pay over the amount of money so raised by virtue of this act to the receiver of the building committee, whose duty it shall be to pay off with said funds the annual interest accruing upon said bonds, or redeem said bonds after the right of redemption, or pay them in full at maturity.

Collector to pay over tax to receiver.

Bonds only to be issued as building committee may call for them.

§ 6. That the county judge and clerk are only author-

1872. ized to issue county bonds for such amounts, and at such times, as the building committee may call for the same.

County judge
to call court &
make levy.

§ 7. The county judge is authorized to convene the justices at any time he may deem expedient, to make levies or make arrangements for the speedy erection of the buildings, for paying interest upon the bonds, or their redemption.

§ 8. This act shall be in force from and after its passage.

Approved February 9, 1872.

CHAPTER 246.

AN ACT for the benefit of the Augusta and Minerva Turnpike Road Company, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons residing adjacent to and owning land on the line of the Augusta and Minerva Turnpike Road be required to work the amount of their road tax on said turnpike road, under the same rules and regulations that dirt roads are now worked in the counties of Bracken and Mason.

§ 2. That the road commissioners of said counties be required to lay off said turnpike road into convenient precincts, and recommend overseers, as is now required by law.

§ 3. That the overseers be required to cause the tax upon said road to be worked in such places and manner as the president or superintendent may direct.

§ 4. That said company shall have the authority to place a toll-gate at each end of said road, at a distance not less than a mile from the city of Augusta and the town of Minerva.

§ 5. That this act shall be in force from its passage.

Approved February 9, 1872.

CHAPTER 247.

AN ACT for the benefit of common school district No. 12, in Woodford county.

WHEREAS, The lands embraced within the limits of common school district No. 12, of Woodford county, are located in the counties of Woodford and Jessamine; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county courts of Woodford and Jessamine counties, at such time and in

such manner as the said courts may direct, to submit to the qualified legal voters living within the limits of said common school district the question whether said district will inflict upon itself a tax for the purpose of purchasing real estate and buildings for the use and benefit of the said district school: *Provided*, That it shall not be compulsory upon the county courts to submit the question of taxation.

1872.

§ 2. No question of taxation shall be submitted, as provided for in section one of this act, the amount of which shall, in the aggregate, exceed two thousand dollars.

§ 3. Should the county courts submit the question of taxation, as provided for in section one of this act, the election shall be held in all respects in conformity with the laws of this State.

§ 4. This act to take effect from its passage.

Approved February 9, 1872.

CHAPTER 248.

AN ACT for the benefit of McCracken county.

That whereas, the ordinary revenue of McCracken county is insufficient to pay the debts and necessary expenses of said county, and build and keep bridges in repair; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of said county, composed of the presiding judge and a majority of the justices, when said court meets as a court of claims in 1872, to levy the tax to pay interest on the bonds executed and delivered by said county to the New Orleans and Ohio Railroad Company; also for said county court, when thus assembled, to levy a tax for the purposes set out in the preamble, of any sum not exceeding one dollar on each poll, white and black, and a sum not exceeding ten cents on the one hundred dollars' worth of property in said county subject to pay railroad tax, to the New Orleans and Ohio Railroad bonds, issued as aforesaid.

County court may levy tax to pay bonds of county.

§ 2. It shall be the duty of the county judge of said county, as soon as the assessment for railroad taxes is made and the amount of property ascertained, and the State assessors' books are returned, and the polls are ascertained, to appoint a collector of said tax, who may have one or more deputies, and take from him a covenant, with good security for the faithful performance of his duty, and administer to him and his deputies an oath that they will

County court to appoint collector of said tax.

1872.

Duties of said collector.

discharge the duties of said office according to law. It shall be the duty of said collector to pay into the treasury of said county one fourth of the amount of said levy and tax, within three months from the time of his qualification, one fourth in three months thereafter, one fourth in nine months from his qualification, and the balance within one year from his qualification; and upon his failure to make said payments as set forth, it shall be the duty of the said county treasurer to cause suit or suits to be brought on his bond.

Lien to exist on property for said tax.

§ 3. A perpetual lien shall exist on the property assessed against any person owing taxes in favor of the county, or any agent, collector, or other person, who may have paid said tax under a sale.

Collector may garnishee tax.

§ 4. Such collector shall have the same power to garnishee in collecting said tax that sheriffs now have by law in collecting the revenue.

Collector may sell both real estate and personal property to secure tax.

§ 5. It shall be the duty of said collector to first levy on and sell personal property, if the person owing said tax shall own such property in said county; if not, to levy on and sell real estate to which any person owing such tax shall have either the legal or equitable title, under the same restrictions and regulations as real estate is now sold under execution, except said sales shall be for cash, with the right to the owner to redeem at any time within two years, by paying the tax and ten per cent. per annum interest on the amount; and any person laboring under legal disabilities shall have, in addition to said time, one year after the removal of the disability to redeem the land by paying the tax, with interest at the same rate.

County clerk may take down omitted lists.

§ 6. It shall be the duty of the court to cause all property in said county to be listed; and, from time to time, after the books have gone into the collector's hands, the county clerk may take down omitted list and certify to the said collector, and he shall report all omitted lists to the clerk that he may find.

County court to fix compensation of collector.

§ 7. It shall be the duty of the county court, at the time the appointment and qualification of said collector is made, to fix his compensation; but it shall not be fixed at more than ten per cent. on the amount of his collections.

Court may correct errors in assessments.

§ 8. The said county court shall have power to correct errors in said assessment; and the court, when held by the judge and a majority of justices, to record and allow a delinquent list.

§ 9. If the financial condition of said county shall, in the opinion of the said county court, composed of the judge and a majority of the justices, require it, they shall also, in 1873, 1874, and 1875, have the privilege of levying a similar tax.

§ 10. This act to take effect from and after its passage.

Approved February 10, 1872.

CHAPTER 249.

1872.

AN ACT for the benefit of St. Mary's College.

WHEREAS, Louis Elena, Wm. McCloskey, David Fennessy, John Wollowski, and John G. Mattingly, now constitute the board of trustees of St. Mary's College, with said Louis Elena as president; and whereas, doubts exist as to the regularity and legality of their election and organization; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election of the trustees aforesaid, and the organization of the board aforesaid, be, and the same are hereby, made legal; and the said trustees, with said Louis Elena as president, are hereby authorized and empowered to act as such until their successors are duly elected and qualified.

§ 2. If, at any time hereafter, this corporation shall, from any cause, be without a board of trustees, or without a regular organization, the Roman Catholic Bishop of Louisville shall have power, and he is hereby empowered, to appoint such trustees, and to do all things necessary or proper in the organization of a suitable board of trustees for said college.

§ 3. This act shall take effect from and after its passage.

Approved February 10, 1872.

CHAPTER 250.

AN ACT providing for the assessment of property in McCracken county for railroad purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be lawful for the McCracken county court to appoint one or more assessors of railroad and special taxes for said county; and for the purpose of having the property of said county assessed, said assessor or assessors may, as far as practicable, copy from the State assessors' books, or from the assessor's book of the city of Paducah, and derive information from any and all sources at his or their command, or they may call on each owner of property, if ordered to do so by the court. It shall be lawful for said assessors, from time to time, to return additional list, if any such were omitted, or for the county clerk to list any property omitted, and certify the same to the collector, and charge him therewith; it being the intention of this act that all the property in said county subject to said tax shall contribute to the payment of the same.

County court
to appoint as-
sessors of rail-
road and other
special taxes.

1872.

To give notice
of meeting of
supervisors to
revise tax lists.

§ 2. The county court shall, by printed posters put up in each justices' district, give notice of the time and place of meeting of a board of three supervisors, to be appointed by said court, to revise the said assessment, to enter omitted lists, correct errors in valuation, either raising or reducing the same, to correct all errors, and to have a general supervision of said books.

§ 3. Said printed posters shall designate on what day or days complaints will be heard from all persons living in a particular district, or whose names begin with a particular letter.

'Any one
aggrieved may
appeal to coun-
ty court for re-
dress.

§ 4. Nothing herein shall prevent any person who is aggrieved from presenting his case to the county court for redress; and said court shall have the power to correct any error, after hearing proof, as to valuation on both sides; or if it be a patent error, may correct it without proof.

Compensation
of supervisors.

§ 5. The court shall make to said supervisors an allowance, not to exceed three dollars per day each, payable out of railroad fund; and they may, if necessary, remain in session seven days.

§ 6. All laws in conflict with this are repealed.

§ 7. This act to take effect from its passage.

Approved February 10, 1872.

CHAPTER 251.

AN ACT to authorize the county court of Hancock county to levy taxes to build bridges and work roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may levy tax to
build and keep
in repair
bridges.

§ 1. That the county court of Hancock county be, and the same is hereby, authorized and empowered to levy an ad valorem tax on the property liable to taxation for State purposes in said county, of not exceeding ten cents on each one hundred dollars in any one year, for the purposes of building and keeping in good repair the public bridges in said county; said tax to be levied at each annual court of claims.

§ 2. That the said county court shall also be empowered and authorized to levy a poll-tax of not less than two dollars and fifty cents, and not exceeding five dollars, on each male person now liable to work the roads, residing in said county, each year, for the purpose of opening and keeping in good repair the public roads of Hancock county.

Sheriff to col-
lect said taxes.

§ 3. That it shall be the duty of the sheriff of Hancock county to collect the taxes imposed by virtue of this act for the same compensation, and under the same penalties and liability, and in the same manner, as the county levy

now is, or may hereafter be, collected in said county; and said sheriff, and his sureties in his county levy bond, each year, shall be subject to the same penalties for failure to pay over said funds as they now are for failing to pay over the county levy.

1872.

§ 4. That the said Hancock county court shall, at each annual court of claims, elect a competent and responsible receiver of the funds to be raised by virtue of this act, who shall enter into bond, with good security to the Commonwealth of Kentucky for the benefit of Hancock county, for the faithful performance of his duties as receiver.

Court to elect a receiver.

§ 5. The receiver of the funds shall collect from the sheriff each year, at the same time the county tax is payable, the funds provided for in this act; and shall pay the same out to the persons entitled thereto as hereinafter provided; and shall be allowed out of said funds by the court of claims not exceeding one hundred dollars for his services each year.

Duty and compensation of receiver.

§ 6. That it shall be the duty of the said county court, at each court of claims, to elect three commissioners, whose duty it shall be to employ hands, purchase tools, and to let out and superintend the building and erection of bridges, and the opening and keeping in good repair the roads in said county; and for each day actually engaged in such service, the commissioner rendering it shall be allowed, at the discretion of the court, not exceeding three dollars; the county court shall designate the boundaries of three districts in which the commissioners shall act, respectively; and it shall be the duty of the receiver to pay for service on the written order of the commissioner having work done, and not otherwise.

Court to appoint commissioners of bridges annually, and prescribe duties.

§ 7. The receiver and each commissioner shall make a detailed report of their proceedings at each court of claims, which report shall be in writing and sworn to; each one shall deliver to his successor in office all money or property in his hands belonging to the county.

Receiver and commissioners to make report to court.

§ 8. The said county court may release persons from paying the poll-tax herein provided for, upon condition that such persons shall perform an adequate specified amount of labor on some public road in his district under the supervision of the commissioner acting for that district.

Tax-payer may commute tax in labor.

§ 9. Any person so liable to pay tax for road and bridge purposes, as above indicated in said county, failing to pay the sum so assessed against them, either in money or by work on the roads as provided, shall be subjected to a fine of not less than two dollars and fifty cents nor more than five dollars, for every failure so to pay, by warrant in the name of the Commonwealth, issued by any magistrate of said county, at the instance of either of said commissioners,

Penalty for failing to pay tax or commute in labor.

1872. returnable before a justice of the peace in the district in which said delinquent may reside; on which verdict or judgment a *capias pro fine* shall issue.

§ 10. This act shall take effect and be in force from and after its adoption by the majority of the votes polled in said county on this proposition, at any general election, or at any other time, in the discretion of the county judge of said county, after due notice by said judge to the voters thereof.

Act to be submitted to voters of county.

§ 11. That so much of any public or private laws regarding the working of the roads and erecting bridges in said county in conflict with this act shall be in force until six months after the adoption of this act aforesaid; after that time elapses, the same shall stand repealed.

Approved February 10, 1872.

CHAPTER 252.

AN ACT for the benefit of James H. Kirk, late sheriff of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. H. Kirk, late sheriff of Marion county, Kentucky, shall have the further time of two years from the first day of January, 1872, to collect and distrain for his uncollected fee bills, subject to all the penalties now in force for the illegal issuing and collecting of fee bills.

§ 2. That he shall have the like further time to collect, levy, and distrain for any taxes due him, and which shall have been paid over or accounted for by him; but he and his sureties shall be liable for any injury sustained by the tax-payers by reason of any illegal seizure or proceeding under this act.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved February 10, 1872.

CHAPTER 254.

AN ACT for the benefit of Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the assessor of Webster county to open in his book additional columns, in which he shall state the voting or justices' precinct in which the person listing his name or property resides. He shall open a separate column for each voting or magisterial district: *Provided, however,* That any additional

expense so incurred shall be paid out of the county levy, and not out of the State Treasury. 1872.

§ 2. This act shall take effect from its passage.

Approved February 10, 1872.

CHAPTER 255.

AN ACT empowering the Bullitt county court to sell the circuit and county court clerks' offices in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bullitt county, a majority of the justices therein concurring, be, and the same is hereby, authorized and empowered to sell and convey the property belonging to said county known and used as the circuit and county court offices, and the lot on which the same are situated, and reinvest the proceeds of said sale as the court may direct for the benefit of said county.

§ 2. Said sale shall be at public vendue, at such time and place, and upon such terms, as may be ordered by said court: *Provided*, That possession shall not be given of said property until the new circuit and county court offices in said county are completed and ready for occupation.

§ 3. The said court may appoint a commissioner to make said sale, and to convey to the purchaser the property herein named.

§ 4. This act shall take effect and be in force from and after its passage.

♦ Approved February 10, 1872.

CHAPTER 256.

AN ACT for the benefit of John Ewell, jailer of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for John Ewell, jailer of said county, to live in any part of the corporate limits of the city of Paducah.

§ 2. This act shall take effect from its passage.

Approved February 10, 1872.

1872.

CHAPTER 257.

AN ACT authorizing the sale of the Henry county poor-house farm, and the purchase of a smaller lot of ground, with suitable buildings, for the accommodation of the white paupers of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Zack Herndon, W. O. Stewart, and the county attorney of Henry county, be, and they are hereby, empowered, as commissioners, to sell the poor-house farm of Henry county, with all of its appurtenances, and out of the proceeds of the sale thereof purchase for the county a smaller lot of ground and suitable buildings for the accommodation of said paupers, and to place the residue of the sale money, when paid over by the purchaser, into the hands of the receiver appointed for said county to receive the money levied for that institution, which shall be expended only for the use of the pauper inmates of the poor-house.

§ 2. It shall also be the duty of said commissioner, on the sale of said poor-house farm, to cause to be removed to the new all of the inmates then in the poor-house, together with the household properties, and appoint one or more superintendents of the poor-house and premises, and of the poor of the county, whom the court may order to be kept in the poor-house until the next term of the court of claims of said county, when that court shall appoint the same.

§ 3. That it shall be the duty of said commissioners, on the sale of the poor farm, to make to the purchaser or purchasers of the same a general warranty deed to the same, retaining a lien on said property in said deed for the balance of the purchase-money unpaid; and when due, it shall be his further duty to sue, in the name of the county court, for the balance due, and place the same, when collected, in the hands of the receiver, as directed in the first section of this act: *Provided*, That nothing in this act shall be so construed as to prevent the said commissioners from selling the farm for cash, if, in their judgment, it is deemed fit so to do.

§ 4. That this act shall take effect from and after its passage.

Approved February 10, 1872.

CHAPTER 261.

1872.

AN ACT to amend the charter of the Shelby Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Anderson may subscribe to the capital stock of the Shelby Railroad Company the additional sum of fifty thousand dollars, upon the terms and conditions, and in the mode that the said county has heretofore subscribed to the capital stock of said company. That the county of Boyle may subscribe to the capital stock of said company two hundred and fifty thousand dollars, upon the terms, conditions, and in the mode said county is now authorized to subscribe a less sum to the capital stock of said company.

Anderson county authorized to subscribe stock in the Shelby Railroad.

Boyle county authorized to do likewise.

§ 2. To defray the cost of construction and extension of the Shelby Railroad from Shelbyville to Danville, and to intersect the Lebanon Branch of the Louisville and Nashville Railroad beyond Danville, the said company is hereby authorized and empowered to issue and sell its additional bonds for a sum not exceeding two hundred thousand dollars (\$200,000), bearing interest at the rate of eight per cent. per annum, payable semi-annually; the principal and interest to be made payable at such place in or out of this State as the board of directors may designate, and to be secured by mortgage upon the property and franchises of said company. The mortgage shall be executed and foreclosed in the mode now prescribed by the charter for the execution and foreclosure of mortgage upon its property.

Company may sell bonds to complete road, & secure same by mortgage on road and franchises.

§ 3. That the first section of an act, entitled "An act to tax railroads, turnpike roads, and other corporations, in aid of the Sinking Fund," approved February 20th, 1864, shall not apply to the Shelby Railroad Company until said road is completed to the town of Harrodsburg: *Provided, however,* That said road shall be completed to the town of Harrodsburg within four years from the passage of this act; but said corporation shall be taxed upon its net dividends as provided in section second of said act. The tax levied on said road for the year 1871 is hereby released.

Act to tax railroads in aid of Sinking Fund not to apply to this road.

§ 4. This act shall take effect from and after its passage.

Approved February 10, 1872.

1872.

CHAPTER 264.

AN AOT to incorporate the Henderson Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. § 1. That Archibald Dixon, John H. Barret, Joseph Adams, L. C. Dallam, S. B. Vance, J. F. Clay, E. L. Starling, Thos. A. Scott, E. G. Sebrœ, E. F. Winslow, Robert Dixon, Jackson McClain, and I. H. Lyne, and their associates, successors, or assigns, are hereby constituted and declared a body-corporate, under the name and style of the Henderson Bridge Company; and by that name and style they are hereby invested with all the powers incident to corporations.

Corporate style.

Corporate powers.

§ 2. That said company be, and they are hereby, invested with all the rights, powers, and privileges necessary for the construction of, and they shall be, and they are hereby, authorized and empowered to construct, a bridge across the Ohio river, extending from some convenient point within the corporate limits of the city of Henderson to some convenient point on the Indiana side of said river, opposite to the city of Henderson; and also to purchase, or condemn by writ of *ad quod damnum*, and hold, as much real estate as may be necessary for the site of said bridge, and the sites for the piers, abutments, toll-houses, and suitable avenues leading to the same, and such other lands as may be necessary: *Provided*, That said bridge shall be constructed so as not to obstruct navigation further than the laws of the United States shall allow.

§ 3. That said company may extend a railway over said bridge, with as many sets of tracks as may be deemed expedient; and shall have the right to fix reasonable rates of tolls for passing over said bridge, and to collect the same from all and every person or persons passing thereon, and upon all goods and chattels, vehicles, and animals passing thereon, or carried thereon, of every kind and description; and for this purpose toll-gates may be erected at each or either end of said bridge; and the rates of toll shall be posted up in conspicuous places where toll is demanded.

Capital stock.

§ 4. The capital stock of said company shall be two millions of dollars, to be divided into shares of one hundred dollars each; the manner of subscription and time of payment to be regulated by the by-laws of said company; and said company may receive real estate in payment of subscriptions, and may hold and dispose of such real estate; and may receive subscriptions of stock from the city or county of Henderson, and from any other city, county, or corporation, either in or out of this State.

§ 5. That said company shall have power to borrow money on such terms, at such rates of interest, for such times, in such places, and to such amounts, as the president and directors thereof shall deem expedient; and may execute such evidences of indebtedness as may be deemed proper; and may pledge the profits, franchises, rights, and credit of the corporation as security for any loans, liabilities, or contracts which they may make; and all bonds issued and made by said company, for the purpose aforesaid, shall be binding and obligatory upon such company, and may be hypothecated or sold by said company at such rates of discount as the president and directors thereof shall deem expedient.

1872.

Company may borrow money, and secure same by bonds.

§ 6. That the president and directors of said company shall have power to make all necessary by-laws, and to regulate, by by-laws and rules, all matters not specially provided for herein: *Provided*, Said by-laws and rules are not inconsistent with law.

May make by-laws, rules and regulations.

§ 7. That the business of said company shall be conducted by seven directors, who shall, of their number, elect a president, and shall elect or appoint such other officers and agents as the by-laws shall prescribe.

Directors to appoint all officers.

§ 8. That the persons named in the first section of this act, or a majority of them, shall elect seven of their number, who shall be the directors of the company until their successors shall be elected and qualified; and an election of directors of said company shall be held on the first Monday in January of each year, at such place and under such regulations as may be prescribed by the by-laws of the company.

Election of directors — when and how held.

§ 9. This act is hereby declared to be a public act, and shall be in force from and after its passage.

Approved February 9, 1872.

CHAPTER 265.

AN ACT to amend an act, entitled "An act to incorporate the Cumberland and Ohio Railroad Company," approved 24th February, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the application of the Cumberland and Ohio Railroad Company, to the county court of any county into or through which it is proposed to construct the said company's road, or any of its branches or buildings, the said court shall appoint three commissioners for said county, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and if the said

County court to appoint commissioners to value right of way, &c., and report to said court.

1872.

company or its agents cannot agree with the proprietors for the right of way, or for land, earth, stone, gravel, timber, or other material wanted for the construction or repair of said company's road, or any of its branches or extension, side-tracks, depots, or other buildings or works, or if the owners are infants, or idiots, or lunatics, or absent from the county, the said commissioners, or any two of them, shall hear any proof that may be adduced, and upon their view proceed to value the same, and report, in writing, the value they may have affixed, together with the evidence adduced, to the court appointing them. The report shall describe particularly the land or other material valued, and the interest and duration of the interest valued, and amount of damages assessed, and give the names of the owners, and place of residence, if known, and whether the owners are infants or non-sane persons. Said report may be filed with the clerk of such court, who shall indorse the time of filing thereon, and issue a summons to the owners to show cause against the confirmation of said report; but if the proprietor shall be out of the county, the summons may be executed on a known agent, if there be one in the county; and if there be no known agent in the county, then the court may order the appearance of the party on a named day, not to be later than the second term after filing said report, and appoint the clerk to give notice by letter; and if such absent defendant does not appear, the court shall appoint an attorney of the court to act for them; and in case of there being infant proprietors, the court shall appoint guardians *ad litem* for them. It shall be lawful for the company or any owner, or for both, to traverse the report, and for the court to have the traverse tried in open court, by a competent jury, on which trial the report and evidence returned as aforesaid shall be heard, together with such other proof as either party may produce. A new trial to the finding of the jury may be granted, as in other cases. The commissioners and the jury shall, in estimating the damages to any proprietor of land or other material sought to be condemned for said company, find for the owners the actual value of the land or other material proposed to be taken; but in estimating damages, if any resulting incidentally to other lands or property of such owners, shall offset the advantages to such residue to be derived from the building and operating the said company's road by, through, or near such residue. The report shall stand for hearing at the first term of the court, as to any proprietor on whom summons has been served ten days before court, and as to absent defendants on or after the day fixed for their appearance in the order of the court; and the court shall have jurisdiction to confirm the

Report to be filed with clerk, who shall summons owners to show cause why report should not be confirmed.

Owners may traverse report.

Mode and manner of estimating damages.

Jurisdiction of court.

report if no traverse is filed; and in case a traverse is filed, to have the same tried by jury, to give judgment upon the report or finding of the jury, and order the payment of the money and the execution of a grant in accordance with the report, and to have the grant executed by a commissioner appointed by the court; and either party may have an appeal, or writ of error, to the circuit court; but no appeal or writ of error by the proprietor shall stop the said company from proceeding with the construction of the road. That the said company, or its agents, or those contracting with them for the construction or repair of said company's road, or any of its branches, buildings, or works, to immediately take, use, and occupy any land, material, or other property wanted for the purposes aforesaid, they having first caused the property, land, or material wanted to be valued by three commissioners, as hereinbefore prescribed, and paid or tendered, or deposited with the judge of the county court, the amount assessed, without awaiting the issue of the proceedings on such report, in case the same may be traversed.

§ 2. Said company may allow interest on all cash subscriptions of stock, from the time of paying for said stock up to the time of making the first dividend, and issue to the holders stock therefor.

§ 3. That at the term of the county court at which the court of any county may levy a tax to pay the interest on any bonds issued to pay the subscriptions of such county to the capital stock of the Cumberland and Ohio Railroad Company, or to pay the principal or any part thereof, to pay any cash subscriptions to said company, or at the next term thereafter the said court shall appoint three suitable persons, who shall be called the commissioners of the sinking fund of such county. One of said commissioners shall hold his office for one year, another for two years, and another for three years, the term of each to be decided by lot; and annually after the first appointment said court shall appoint a commissioner to fill the place of the one whose term shall then expire, and such commissioner shall serve three years. Said commissioners shall annually appoint one of their number treasurer, who shall, before he receives any money under this act, execute bond, with security to be approved by the county court, payable to said county, which bond shall be for the faithful performance of his duties under this act, and that he will pay over all funds which shall come into his hands under the provisions of this act; and said treasurer shall be allowed for his services not exceeding one per cent. for all moneys which he shall receive and pay over. In case of any vacancy by death, resignation, or other cause, in

1872.

Company may use land, &c., without waiting for final judgment of court.

May allow interest on cash subscriptions.

County courts to appoint Sinking Fund Commissioners

Term of office of said commissioners.

Commissioners to appoint one of their number treasurer.

Compensation of treasurer.

1872. said board of commissioners, such vacancy shall be filled for the unexpired term by the county court.

Sheriffs to pay taxes collected to said commissioners.

How funds shall be applied.

§ 4. That the sheriff of any county, or other officer, who shall collect the taxes levied as aforesaid, shall pay over the same to said commissioners of the sinking fund; and said commissioners shall see that the sheriff or other collecting officer collects and pays over according to law the said taxes levied as aforesaid, and shall institute legal proceedings against him in case of failure. They shall apply the taxes collected, if any, to pay cash subscriptions, to the payment of the same at the principal office of said company, and they shall appropriate the taxes levied to pay interest on the bonds issued in payment of subscriptions in payment of such interest at the city of New York or other place where said bonds may be made payable; and the taxes collected to pay the principal of the bonds issued as aforesaid to the purchase of the bonds of said county, if the same can be had at par or under; and if that cannot be done, they shall invest the same in some safe and profitable manner, that when, at any time it shall be wanted for the purchase or the payment of the bonds, it can be speedily and readily converted into money for that purpose.

Company to pay dividends to commissioners of the sinking fund.

§ 5. That said company may apply the dividends on stock held by any county to the payment of the interest on the bonds of such county, or it may pay the same over to the commissioners of the sinking fund of such county, who shall appropriate the same first to the payment of the interest upon the county bonds, and when a surplus shall accrue after the payment of such interest, they shall apply such surplus to the purchase of their county bonds, if the same can be had at par or under; and if that cannot be done, they shall invest the same in some safe and profitable manner, as above provided in case of taxes collected to pay principal of county bonds.

Taxes to pay bonds and dividends to be set apart as sinking fund.

§ 6. That all dividends received upon stock held and owned by any county, and all taxes collected to pay the principal of county bonds, shall be, and are hereby, sacredly set apart as a sinking fund, to be only used, as above provided, for the payment of the principal and interest of the bonds issued by any county in payment of subscription of stock to said company.

Commissioners to keep record and report to county court.

§ 7. That said commissioners of the sinking fund shall keep a record of all their proceedings and doings, and their treasurer shall keep strict account of all moneys which shall be received or paid by him, and shall annually, before the expiration of his term, settle the same in his county court; and said commissioners shall, at the same time, report, under oath, to the president of said company, the amount of money paid during the year as

interest on county bonds, and the amount placed in the sinking fund for the purchase or payment of county bonds.

1872.

§ 8. That all the lands in counties which have taken, or may take, stock in said railroad company, held or owned by non-residents of such counties, shall be subject to the same taxation for the purpose of paying off such subscriptions of stock, or for the purpose of paying interest on any county bonds issued in discharge of such subscriptions, as the lands of residents of such counties are or may be subject to for a like purpose. The assessor shall report all such lands, their location and value, and the names and residence of the owners thereof; and the sheriff shall levy and collect the same taxes on such lands as from lands held by residents of said counties. He shall publish a list of said lands, their location, quantity, and value, owners' names and residences, if known, and amount of taxes to be collected, and the time, terms, and place of sale, in the newspaper of the Public Printer, for eight weekly insertions previous to the March term of the county court for such county; and if the taxes are not paid on or before said term of such county court, he shall sell, at public vendue, so much of such land as may be necessary to pay said taxes and the costs of advertising, on said county court day, at the court-house door of the county in which the land lies, for cash in hand. The owner shall have five years from date of sale in which to redeem the land sold, by paying the amount for which it was so sold, and ten per centum interest per year to the purchaser, and also the taxes he may have paid thereon; and if it is not so redeemed, then the sheriff shall make a deed to the purchaser or his assigns, conveying all the interest of the owner in whose name the land was sold. If the owner is a married woman, infant, idiot, or lunatic, he or she shall have three years to redeem after the disability is removed or ceases.

Lands in counties subscribing stock of non-residents subject to taxation.

Sheriff to collect all such taxes.

May sell all such land for non-payment of taxes.

§ 9. That said railroad company may, at any time and place in the United States or elsewhere, receive subscriptions of stock to their company by individuals, towns, cities, counties, or other corporations, whether payable in money or other things, on such terms and time of payment annexed as conditions as may be set forth in the subscription; and when the stock so subscribed is earned or paid for, certificates thereof shall be issued to those entitled thereto. Said company may also contract to pay in the capital stock of the company for anything necessary to carry on the work of said company, or to pay any debt of the company, and may sell, convey, and deliver any property received for stock, or mortgage or pledge the same.

Company may receive subscriptions of stock anywhere and from any corporation or individual.

§ 10. That it shall be the duty of the president and each director of said company, and each engineer engaged in the service of the company, each for himself, to swear that

Officers of said company not allowed to take interest in any contracts with said company.

1872.

he is not and will not, during his continuance in office, or in the service of said company, become interested, directly or indirectly, in any contract for the construction of said road or any of its branches, or any part thereof, which has or may be made by the company or any other person. The engineers shall also swear that they will well and truly, to the best of their skill and judgment, make a fair and impartial estimate of the work done, the materials furnished according to contract, and otherwise faithfully perform the duties of engineer so long as they continue in the service of the company. A certificate of such oath, taken before an officer authorized by law to administer oaths, shall be filed with the records of said company. That if, on judicial proceedings and judgment of any court of competent jurisdiction, it shall be adjudged that any engineer, or any of the officers aforesaid, shall, at any time after taking such oath, have been interested with any contractor in any contract for the construction of said road or any part of it, or for equipping said road or its branches, no recovery in law shall be had on such contract, and said interested engineer or officer shall be deemed guilty of the crime of perjury.

May acquire
land for quar-
ries, timber, &c.

§ 11. That it shall be lawful for said railroad company to acquire, by purchase or donation, and hold land for stone quarries and timber, and coal and other mineral lands that may be necessary for the use of the road and its business.

Any city or
town owning
stock may sell
same to com-
pany.

§ 12. Any city, town, or county, or districts holding stock in said company, paid in bonds, may sell to said company, or to others, their stock for the redemption of their bonds; however, no sale shall be made without the question of sale or no sale shall first be submitted to the legal voters of the city, town, county, or district desiring to sell; said election to be held, after thirty days' notice, in the manner elections are held for members of the Legislature.

Time ex-
tended in
which to com-
mence work on
road.

§ 13. That the time mentioned in the charter within which said company is required to commence work on the construction of its road be, and the same is hereby, extended twelve months from and after the passage of this act; and if said company shall, within twelve months from the passage of this act, commence work on the road-bed of said company's road, their chartered privileges shall not be forfeited by any failure to commence at an earlier day.

Fees of county
clerks for ser-
vices rendered
company.

§ 14. The county court clerks, whose duty it shall be to place the county seals on the county bonds that may issue on the subscriptions of stock made by their respective counties to the Cumberland and Ohio Railroad Company, shall receive for their services the fees now allowed by law; but said clerks shall not be required to collect or account to the

State or trustees of the jury fund for any tax or fee for the seals that may be affixed on the county bonds that may be issued to the said railroad company.

1872.

§ 15. That this act shall take effect from and after its passage.

Approved February 13, 1872.

CHAPTER 266.

AN ACT to incorporate Uniontown, Princeton, and Southern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a body-politic and corporate, under the name and style of the Uniontown, Princeton, and Southern Railroad Company; and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person. Said company may also have and use a common seal, and may alter and change the same at will; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

Company incorporated, & corporate powers.

§ 2. That Jesse J. Jones, John Cartmel, Cyrus Jones, W. S. Phillips, Cyrus Higgonson, Wm. Rathman, A. C. Sugg, W. F. Berry, Aaron Clements, J. Pat. Clements, John Slack, W. F. Ash, Thomas S. Chapman, I. A. Spalding, Crom. Adair, John M. Young, A. G. Robinson, Dr. Wm. Jones, Ben. Drake, and Thomas Givens, of Union county; John W. Blue, R. W. Wilson, C. H. Bennett, Hodge Brown, T. M. Butler, George H. Towery, J. H. Walker, Thos. Williams, S. Hodge, and J. N. Wood, of the county of Crittenden; T. L. McNary, F. W. Darby, Milton Dudley, P. B. McGoodwin, J. Y. Chambers, J. A. Carr, J. H. Garrett, P. H. Darby, H. F. McNary, L. Withers, E. P. McGoodwin, A. C. Mayes, D. D. Maxwell, W. D. Kirkpatrick, and Wm. Hill, of Caldwell county; Chas. Anderson, F. H. Skinner, James Lester, F. A. Wilson, W. B. Machen, N. N. Rice, and Thomas Parker, of Lyon county; W. F. Sims, T. C. Dabney, Thos. Boyd, Jabez Bingham, Wm. M. Campbell, G. B. Grasty, and M. E. McKenzie, of Trigg county; Thos. R. Jones, T. M. Jones, R. L. Ellison, W. J. Stubblefield, Dr. J. P. Humphries, and William Holland, of the county of Calloway, or such of them as may choose to act, are hereby constituted and appointed commis-

Commissioners to receive subscription of stock.

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Capital stock. § 3. The total capital stock of the said company may be any amount (not exceeding three millions of dollars) necessary for the construction and equipment of said railway, and the same shall be divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned, and controlled by individuals, counties, towns, and cities, and other corporations in Kentucky and elsewhere, on an equal footing.

When to elect directors. § 4. Whenever subscriptions of stock to the amount or value of fifty thousand dollars shall have been made to the capital stock of said company, the commissioners shall give at least ten days' notice thereof, in one or more newspapers published in Union county, and assemble the subscribers at some suitable time and place; and such of them as shall have paid five dollars in cash upon each share of stock subscribed by them, respectively, shall proceed to elect from their own numbers nine directors for said company.

Eligibility. § 5. That no person shall be elected to the office of president or director for said company who does not own at least five shares of the capital stock thereof.

President to be elected. § 6. That the board of directors may elect the president of the company from among their own number, or from among the other qualified stockholders.

Who to manage and control. § 7. After the organization of the company by the election of a board of directors and president, as hereinbefore provided, the management and control of the property, business, and affairs of said company shall pass to, and be committed to said president and directors, and to their successors in office.

May make by-laws, &c. § 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its proper business and affairs, as they may deem proper, not inconsistent with this act or with the Constitution and laws of the United States and the Commonwealth of Kentucky, and alter, amend, and repeal the same at will. They may prescribe therein the number of

directors necessary to constitute a quorum for the transaction of business. They may also appoint an executive committee, to consist of the president and three or more directors; and said committee may, when the board is not in session, exercise all the powers and rights vested in the president and directors, except where it has been otherwise provided in the by-laws.

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Executive committee.

§ 9. The president and directors of said company may elect or appoint such officers, agents, and employees as they may deem proper and necessary for constructing said railway, and for carrying on, managing, and conducting its property, business, and affairs, and remove them at pleasure; they may prescribe the qualifications, powers, and duties of all its officers, agents, and employees, and may require of any or all of them bonds, in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof. That said president and directors, or a majority of them, may determine by contract the pay of such officers, agents, or servants, and regulate by by-laws the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employees; that they shall have power to erect warehouses, work-shops, or other building or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred.

May appoint officers, agents, &c.

May fix compensation for same.

§ 10. That the president and directors of the said Uniontown, Princeton, and Southern Railway Company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway, with double or single track, and line of telegraph, from such point in the town of Uniontown as they may select; thence through the counties of Union, Webster, Crittenden, and Caldwell, or such of them as may be selected, to the town of Princeton, Caldwell county, Kentucky; thence through Christian, Trigg, Marshall, Calloway, and Graves, or such of them as they may choose, to any point or points on the boundary line of the States of Kentucky and Tennessee that they may select. They are also hereby fully authorized and empowered to construct such branch railroads to their main trunk road, in or through such counties named in this charter, as they may deem proper; and to that end all the powers conferred by this act for constructing the main trunk road are also hereby extended to and conferred upon said company, for the purpose of constructing branch roads.

May construct road with single or double track, telegraph, &c.

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How long books
may be kept
open.

§ 11. That it shall be lawful for the president and directors of said company to keep open the books for subscriptions to the capital stock of said company until the whole of the capital stock is subscribed; and they may receive subscriptions to said capital stock, payable in contracts to build any part or parts of said road, or any bridge or bridges on the same, or to perform any work, or to furnish any materials which may be necessary or desirable for the construction or equipment of said road.

Subscription
may be paid in
real estate.

§ 12. That it shall be lawful for the president and directors of said company to receive subscriptions to the capital stock of the company, payable in real estate, situated in Kentucky; said real estate to be taken at its cash value, to be assessed by three commissioners, on oath, of whom two shall be selected by the president and directors of the company, and one by the person proposing to subscribe, upon their report, in writing, describing the land, and assessing its cash value. The company may receive the same at its value, and issue a stock certificate, and may take a deed of conveyance in fee simple; and the real estate thus acquired may be held, used, enjoyed, and controlled, or sold or conveyed by said company, as by a natural person: *Provided, however,* The owner or subscriber of such lands may refuse to accept such valuation; and on such refusal his said subscription shall be void.

May own real
estate, &c.

§ 13. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire and own, hold, use, possess, enjoy, and control, all such real and personal property, goods, chattels, and other things, as may be convenient and desirable for constructing, operating, and equipping said railroad and its branches, and a line of telegraph along the same, or which may be conveyed to it in payment of any stock subscriptions, or purchased by it in satisfaction of any debt, judgment, or decree; and may grant, bargain, sell, and convey the same as a natural person.

How land,
earth, &c., may
be obtained.

§ 14. That upon application by said company to the county court of any county, into or through which it is proposed to construct said Uniontown, Princeton, and Southern Railway, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act, to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, or gravel, timber, or other material or thing required for the site or construction of said road, or whenever the land or material required shall be owned

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by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons, commanding the owner or owners of such land to appear and show cause why the report should not be confirmed; which summons shall be forthwith executed by the sheriff, or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions, at any time, not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land or material sought, condemned for said road, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in estimating damages resulting incidentally to the other land or other property of such owners, shall offset the advantage to such residue to be derived from the building and operating of said road by, through, or near such residue: *Provided*, That land condemned for roadway shall not be more than one hundred feet wide, unless said company shall file with the court the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 15. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property in order to the construction or repairing of said road, or their necessary works or buildings, the president

May use lands
&c., before in-
quest.

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and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed as hereinbefore prescribed; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation; but such inquest of the jury, and the judgment of the county court thereon, shall be subject to appeal as in other cases now provided for by law.

County courts
may order elec-
tions upon re-
quest of com-
pany.

§ 16. That whenever the said Uniontown, Princeton, and Southern Railway Company shall request the county court of any county, except the counties of Lyon, Trigg, and Calloway, through or adjacent to which it is proposed to construct said railway, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested may, in their discretion, order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than thirty (30) days after the making of such order, and shall appoint judges and other officers necessary to hold such election.

Notice to offi-
cers of elec-
tion.

§ 17. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

Vote to be re-
turned to clerk
of county court,
&c.

§ 18. That the persons acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the date of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk shall count the vote, and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk, on behalf of the county, on the terms specified in the order submitting the question to a vote.

Vote may
be taken in
precincts.

§ 19. That whenever the said railway company shall request the county court of any county, except the counties of Lyon, Trigg, and Calloway, to do so, such court may submit to the qualified voters of any designated precinct or precincts in said county the question whether the court shall subscribe to the capital stock of said Uniontown, Princeton, and Southern Railway Company, on be-

half of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or on such conditions as may be proposed by said company; said election shall be held on a day to be fixed by the court, not less than thirty (30) nor more than sixty (60) days after the order is made; and shall be conducted by officers to be appointed by the court; and the poll-books shall be returned and the vote shall be counted and entered on the record of the county court in the same manner as prescribed in section eighteen (18) of this act; and if a majority of those voting in such designated precinct, or a majority of the aggregate votes cast in such designated precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

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§ 20. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said Uniontown, Princeton, and Southern Railway, or the board of council of the town of Uniontown, shall be requested to do so, such city council or town trustees may, at their discretion, submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than thirty (30) days after the application is made to them by said company, the question of subscribing for, and on behalf of such city or town, the amount of stock proposed by said company, on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records; and the mayor of such city, or the president of the board of trustees of such town, shall make the subscription in accordance with the vote.

Vote may be taken in cities and towns.

§ 21. That if any county, precinct, city, or town shall subscribe to the capital stock of said Uniontown, Princeton, and Southern Railway Company, under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, precinct, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city, or town; the bonds of the counties to be signed by the county judge and countersigned by the clerk, the coupons to be signed by the clerk alone; the bonds of cities subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor

Bonds to be issued if majority vote in favor of taking stock.

Bonds—how signed.

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Tax may be
levied to pay
same.

§ 22. That in case any county, city, town, or election district shall subscribe to the capital stock of said Union-town, Princeton, and Southern Railway Company under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, or election districts, which ought to be given in under the equalization laws.

Commissioners
of Sinking fund
to be appointed
their duties.

§ 23. That on levying a tax, as provided for in this act, to pay the interest on bonds issued by the county court of any county, whether for the whole or only a part thereof, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy, to appoint three (3) resident tax-payers of such county, part of a county, city, or town, who shall be styled the Board of Commissioners of the Sinking Fund of such county, part of a county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their

duties according to the best of their skill and ability; they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board, on which bond suit may be brought, from time to time, by and in the name of such county, or a part of a county, city or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit; such treasurer may, at any time, be required to give a new bond, and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding one (1) per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners, respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

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§ 24. The taxes levied under the authority of this act in any county or part of a county, shall be collected by the sheriff of such county, and taxes levied in any city or town shall be collected by the officer of such city or town who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond; if a sheriff, with such sureties as may be approved by the county court; and if a city or town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

Who to collect taxes.

§ 25. The sheriffs, and other officers having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on

Power of collectors.

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the real estate of the person taxed which shall be in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale, by paying the purchase money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten (10) per cent. per annum thereon.

Certificate of sale to be given for property sold for taxes.

§ 26 That sheriffs, and other officers selling real estate for taxes levied under this act, shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, the amount for which it was sold, and date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for that purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen (15) years, on paying the purchase money, and six (6) per cent. per annum thereon, and other taxes paid by the purchaser and six (6) per cent. per annum thereon.

Compensation of collectors.

§ 27. That sheriffs, and other officers collecting taxes levied under this act, shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

How and when taxes collected and paid over.

§ 28. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty (120) days after the same is placed in his hands, and the residue within six (6) months after the first ought to have been paid.

In case of failure to collect and pay over.

§ 29. That if any sheriff or collector, or other officer, having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer, shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion, on ten (10) days' notice, in any court having jurisdiction, and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

Commissioners of sinking fund to see that tax is collected, & appropriate same.

§ 30. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and to institute legal proceedings against them on their failure to do so. They shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town; they shall, whenever

a dividend is declared by said Uniontown, Princeton, and Southern Railway Company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

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§ 31. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city, or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used as provided in this act for the payment of the principal and interest of the bonds issued under the authority of this act.

Dividends to
counties set
apart as a sink-
ing fund.

§ 32. That in case the dividends upon the stock held and owned under this act by any county, part of a county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees, at least five years before the maturity of said bonds; and if any county court, city council, or town trustees, owing such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty (20) years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest and secured in all respects as the bonds first issued and secured, and sell such bonds, or exchange them for old ones: *Provided, however,* That if any county court, city council, or town trustees, shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees, to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also,* That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

Proceedings in
case dividends
is not sufficient
to pay interest,
&c.

§ 33. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, part of a county, city, or town, issued under this act, at or before maturity,

In case direct
tax is levied,
&c.

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it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers or their assignees stock held by said county, city, or town, to the amount of the taxes paid, upon the delivery to said commissioners of tax receipts by the holders thereof; such receipts shall be negotiable by indorsement, and no stock shall be transferred for a less amount than one hundred dollars.

Duty of treasurer in case of surrender of tax receipts.

§ 34. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund appointed under this act, upon the surrender to them, at their respective offices, of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railway company, to the amount of one hundred dollars or more, to issue to the holders thereof certificates setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts, or tax receipts, to make up a full share. The treasurer shall write or stamp the word "canceled" across the face of each tax receipt taken up by him, and file it away in his office; he shall keep a list of the names of those to whom he issues certificates, with the number of the certificate, and the number of shares for which each was given; and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

Stock to be issued upon presentation of stock certificates.

§ 35. That it shall be the duty of the Uniontown, Princeton, and Southern Railway Company, after the first cash dividend shall be declared, on presentation at its office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assignees.

Commissioners to keep record.

§ 36. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such, and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required, which settlement shall state fully his accounts since his last settlement.

Real estate to be taxed.

§ 37. That all the real estate lying in any county, election district, city, or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, district, city, or town, the assessor of tax shall designate on his books what part lies within such county, district, city, or

town, and its value, and only such part shall be assessed for the purposes of this act.

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§ 38. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, districts, cities, and towns may be entitled, in any meeting of the stockholders of said Uniontown, Princeton, and Southern Railway Company: *Provided*, That if neither of them shall attend, then any person, duly authorized by any two of said commissioners, may cast the vote as proxy for said commissioners.

Who to cast vote for counties, &c.

§ 39. That the president and directors of said Uniontown, Princeton, and Southern Railway Company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water-stations, &c.

Capital stock may be increased.

§ 40. That said Uniontown, Princeton, and Southern Railway Company shall not be taxed until forty miles of said railway are completed and in operation: *Provided further*, That this exemption shall not extend beyond two years after the commencement of work for the construction of said railway.

Taxation of road.

§ 41. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or any other State; and may subscribe stock in, or aid in the building of, any other road in or out of this State, whenever, in their judgment, it may be to the interest of the Uniontown, Princeton, and Southern Railway Company to do so; they may sell the said Uniontown, Princeton, and Southern Railway, or lease the same, and may build branches from said road, and branches from said branches through the counties named in this act.

May purchase and hold other roads.

§ 42. That said Uniontown, Princeton, and Southern Railway Company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions, to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber; and may lease or sell and convey any land so given or subscribed. No sale made of this road, nor any purchase to be made by same, nor purchase or sale as allowed herein, of any franchise, right, or privilege granted by this act, shall operate to deprive the courts of this State of their jurisdiction over said road and all interests therein, as well as of persons, as fully and completely as if said road and all its interest and connections were in the State of Kentucky, and subject only to its jurisdiction.

May receive donations of land, &c.

§ 43. That the said Uniontown, Princeton, and Southern Railway Company (the holders of a majority of the stock

May consolidate with other roads.

1872. therein concurring) may agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of any mortgage bonds issued by the said Uniontown, Princeton, and Southern Railway Company.

May issue
bonds of the
company.

§ 44. That the said Uniontown, Princeton, and Southern Railway Company may issue and sell the bonds of said company, of the denomination of one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding three millions of dollars, bearing not exceeding ten per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable, as said company may direct, within thirty years from their date.

Bonds—how
secured.

§ 45. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railroad and its property franchises to a trustee or trustees, and from time to time fill vacancies that may occur for the use, and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purposes and object of its execution.

In case of
foreclosure of
mortgage.

§ 46. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust, which have been sold, and verify it by his affidavit; which affidavit and list shall be filed in the Union circuit court, where only such proceedings are only authorized to be had.

When fore-
closure may
take place.

§ 47. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the city of New York and in Union county. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

Company may
create sinking
fund.

§ 48. That to create and secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually in order to create a fund sufficient to redeem its bonds at maturity, and then

set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose; that the company may loan and reloan the sums thus set apart at any rate of interest not greater than ten per centum per annum, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

1872.

May loan out funds of same.

§ 49. The holders of mortgage bonds issued under authority of this act may demand, and on such demand shall be entitled to receive, evidences of stock in said Uniontown, Princeton, and Southern Railway, in lieu of their bonds, dollar for dollar, at any time within seven years after there is a through run of cars from Uniontown to the Tennessee line.

Holders of mortgage bonds may receive evidences of stock.

§ 50. The bonds of the company, nor the bonds of counties, parts of counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

Bonds shall not be avoided.

§ 51. The General Assembly reserves the right, by general laws, to regulate the charges for way and through freight and passengers on this road; also reserves to itself the right to alter, modify, or amend this charter, or any part thereof, whenever it may deem proper.

§ 52. This act shall take effect and be in force from its passage.

Approved February 12, 1872.

CHAPTER 267.

AN ACT to incorporate the Ludlow and Pleasant Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Jenkins, Mathew Bentley, Elisha A. Williams, Jas. Nixon, Albert S. Ludlow, D. C. Kennedy, C. A. McLaughlin, Jas. G. Anderson, Thos. G. Tupman, V. Shinkle, and A. C. Ellis, and their associates and suc-

Corporators' names.

1872. cessors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Ludlow and Pleasant Run Turnpike Company;" and by the said name and style shall have the power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all courts and places in this Commonwealth; and to have and use a common seal, and break, alter, or change the same at pleasure.

Corporate
name and style
and powers.

§ 2. The said company is hereby authorized and empowered to construct a turnpike or macadamized road from the city of Ludlow, in Kenton county, to some point in the interior of said county, not exceeding ten miles; and in order to secure the funds necessary to construct the same, shall have the power to raise a sum not exceeding thirty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. That the books for the subscription of stock shall be opened in the city of Ludlow, and such other places as may be deemed best under the direction of the persons hereinbefore named, all of whom are hereby made commissioners for the purpose of obtaining subscriptions to the capital stock of said company; and they shall provide one or more books, which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: "We, whose names are hereto subscribed, do severally bind ourselves to pay, respectively, to the president and directors of the Ludlow and Pleasant Run Turnpike Company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company;" and when the president and directors shall be chosen, as hereinafter provided, they shall have full control of said book or books, and may cause the same to be opened until the entire amount of stock herein authorized is subscribed.

May open books
for subscrip-
tion of stock.

§ 4. That as soon as a majority of said commissioners shall be of opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders and hold an election for a president and five directors, who shall hold their offices for one year, and until their successors are chosen: *Provided*, That should a vacancy occur, the remaining directors shall fill the same by appointment until the next regular election; and should the offices of all the directors become vacant, any three stockholders may call a meeting to elect their successors. The directors shall have power to appoint a secretary and treasurer, and such other officers as may be deemed necessary; and the treasurer, before he enters on the discharge of his duties, shall

Directors—
how chosen.

Vacancies in
offices—how
filled.

Directors to
appoint officers

execute a bond and security to the said company for the faithful performance of the duties of his office.

1872.

§ 5. That said corporation shall have power to acquire, hold, or sell real and personal estate, as the same may be deemed necessary in the construction of said road; and to do all other acts and things necessary in the exercise of the powers herein expressly conferred.

May acquire, hold, or sell real estate.

§ 6. That the entire width of said road shall not exceed fifty feet, and the macadamized part thereof shall not be less than twenty feet nor more than twenty-five feet wide; and whenever the same shall be completed, the directors shall call upon the two justices of the peace residing nearest thereto, and not interested therein, to examine the same; and if they shall, by a written statement to be filed with the county clerk of Kenton county, certify that the same is done in a good and substantial manner, then the said company may erect one or more toll-gates on said road, the same not to be less than five miles apart, and may charge and collect from the persons traveling on, or using the same, the rates of toll not exceeding those now charged by the Covington and Lexington Turnpike Company: *Provided*, That when said company shall have completed two miles or more of said road, and a statement thereof is filed as above set forth, they shall have the right to erect a gate or gates thereon not less than five miles apart, and charge rates of toll as above, in proportion to the distance traveled: *Provided further*, That all persons going to and returning from church, and all children going to and returning from school, and all neighborhood funerals, going and returning, shall be free from any charge.

Width of road.

When completed, may erect toll-gates and charge toll

§ 7. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be parts hereof.

§ 8. That it shall be lawful for the city council of Ludlow, or any corporation created by law, by their agent appointed for such purpose, to subscribe stock in said company.

§ 9. That if in the construction of said road it shall be necessary to locate the same on any portion of any county road macadamized, the company shall have the right to do so, and may use any macadamizing on that portion of said county road over which the same runs, and may allow the person who contributed to make such macadamizing a fair equivalent in stock therefor.

§ 10. That this act shall be in force from and after its passage.

Approved February 12, 1872.

1872.

CHAPTER 268.

AN ACT to facilitate the collection of taxes in McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sheriff may
sell property
for taxes.

Said sheriff
to give notice
of sales.

County judge
to attend sales
and protect in-
terest of county

Sheriff to re-
turn list of
property so
sold to county
clerk.

Owners may
redeem prop-
erty in two
years.

§ 1. It shall be lawful for the sheriff or any collector of railroad and special taxes for McCracken county to levy on and sell the property of any person against whom he may have such taxes for collection. He shall first levy on personal property, if the person owns such unencumbered; and if not, then he may levy on and sell any real estate to which the person owing said taxes may have the legal or equitable title. In selling personal estate, the same notice shall be given which sheriffs are required by law to give for the sale of similar property under execution; and in selling real estate he shall give notice, for twenty (20) days, of the time and place of such sale, in some newspaper published in Paducah; and said sale shall be made on the first day of some public court for said county, at the court-house door in Paducah, for cash, and for the amount of said tax, and the cost of advertising, and ten (10) per cent. commission, and as now provided by law for the sale of real estate under execution, with the same right of redemption: *Provided*, That all property owned by any person owing taxes as aforesaid shall be liable to be levied on and sold for the payment of such taxes.

§ 2. It shall be the duty of the county judge to attend (in person or by proxy) all sales of real estate made for said taxes, and to bid for said property if, in his judgment, it be to the interest of the county he should do so, and have the same struck off to the county; and it shall be the duty of the collector to return, within twenty (20) days after making a sale of real estate, to the county court clerk, a list showing the owners of property so sold, a description of same, name of the purchaser, and the amount for which it was sold; and it shall be the duty of said county clerk to keep a book, in which he shall enter all such sales, and to file the report of sales returned by the collector; and such sales shall vest in the purchaser the title of the person owing such taxes.

§ 3. It shall be lawful for any person, where real estate has been sold for taxes as aforesaid, or any person claiming under him, to redeem the same by the payment of the taxes and costs and twenty (20) per cent. thereon, at any time within two years from the time of sale, provided said property has sold for less than two thirds of its appraised value. Married women and infants, and others laboring under legal disabilities, shall have one year after the removal of their disabilities to redeem their real estate by paying the taxes and costs and ten per centum per annum interest thereon; and it shall be the duty of said clerk to

receive and receipt for such redemption money as above provided, and enter the amount opposite the name of the owner of said property, and give the owner a certificate showing the redemption thereof, for which he shall charge a fee of (50) fifty cents; and he shall pay all moneys so received to the treasurer of the county, and shall be liable on his official bond for the money so received.

1872.

County clerk to receive and receipt for redemption moneys.

§ 4. If property be sold and is not redeemed as provided in this act, the county court may take possession thereof through its agents or tenants; sell so much of said real estate, or the timber thereon, as may be necessary to pay said taxes, interest, and costs, or may lease any of said real estate for a term of years; and sales of such real estate shall vest the title, absolutely, in the purchaser or purchasers; or the court may, by a suit in equity, enforce the lien herein given, and sell the interest of any owner whose land or lots may have been sold for taxes and purchased by said county as aforesaid; and an individual purchaser may enforce his lien in equity.

If not redeemed, title of purchaser or county to be absolute.

§ 5. The collector of said taxes shall have power to enforce the collection of same as provided by an act approved March 5th, 1863, applicable to sheriff's in the collection of State revenue.

§ 6. There shall be a perpetual lien on the property in said county of any person against whom said tax may be assessed until the same be paid to the county, or any collector who may be compelled to pay the same before he receives it, or to any other person who may have paid off such taxes for, and at the request of, the owner of said property, or at a sale.

Taxes to be a lien on property.

§ 7. It shall be the duty of all collectors of the taxes provided for in this act to make to the purchaser a deed according to the provisions of this act, for which he shall have a fee of fifty cents.

Deed to be made to purchaser.

§ 8. This act shall take effect from its passage.

Approved February 12, 1872.

CHAPTER 269.

AN ACT to amend an act to incorporate the Clark County Agricultural Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five of an act, entitled "An act to incorporate the Clark County Agricultural Association," approved March 6th, 1867, be, and the same is hereby, repealed.

§ 2. That so much of section one of an act, entitled "An act to amend the charter of the Clark County Agri-

1872. cultural Society," approved March 16th, 1869, as requires that two directors shall be chosen from each civil district in said county, be, and the same is hereby, repealed.

§ 3. That the name of said association be changed to that of Clark County Stock Society.

§ 4. This act shall be in force from and after its passage.

Approved February 12, 1872.

CHAPTER 270.

AN ACT to establish the Ohio River and Tygart's Drain District, in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of district.

§ 1. That all that part of Greenup county on the Ohio river and Tygart's creek bottoms, which lies within the following boundary, viz: The Harney, Thruston, and Taylor survey, on the east side of Tygart's creek, and running up the Ohio river so as to include all of the bottom lands between the hills and said river, up to and including the farm known as the Albertson farm, is hereby included in a district known and called "The Ohio River and Tygart's Drain District, in Greenup county."

Commissioners to be elected.

§ 2. There shall be elected by the voters within said district three commissioners, to serve for the term of three years, who shall be known and called "Commissioners of the Ohio River and Tygart's Drain District, in Greenup county;" and by that name shall be a corporation, with power to sue and be sued, defend and be defended, in all courts of this Commonwealth and elsewhere, as a natural person, and do all other things necessary to be done to carry into effect the provisions and purposes of this act.

Corporate name and powers.

Election of commissioners and term of office.

The first election of commissioners shall be on the third Saturday in April, 1872; and the commissioners then elected one shall serve for one year, one for two years, and one for three years, who shall, within ten days after their election, qualify in the Greenup county court, by taking the oath of office, and by executing bond for the faithful discharge of their duties, and determine by lot which of said periods they each shall fill; and on the third Saturday in April, in each year thereafter, an election shall be held to fill the place of the commissioner whose term shall then expire; the term of each commissioner thereafter shall be three years; each commissioner shall continue in office until his successor, duly elected, shall qualify; any vacancy that may occur may be filled by the commissioners remaining in office until the regular election herein provided for shall take place.

§ 3. Persons qualified to vote for commissioners shall be only the owners of real estate within said district, which shall include unmarried female adults, and also any infant owning real estate within the district who shall, in voting, be represented by his or her guardian. There shall be two judges of election and a clerk, who shall, at the first election, be appointed by the county judge of Greenup county, and shall qualify by taking the oath of officers of elections under the general laws of this State; and at each subsequent election they shall be appointed by the commissioners then in office. Certificates of the election of the commissioners shall be made out by the officers of the election, and given to each commissioner elected, and filed in the county court, and entered upon the records of said court.

1872.

Qualifications
of voters for
commissioners.

§ 4. The commissioners, a majority concurring, shall have power to contract for and cause the ponds, swamps, marshes, morasses, or wet lands within said district to be drained, in such manner as they may deem best, so as to relieve it of its stagnant water, prepare it for cultivation, and relieve the neighborhood of such diseases as arise from such causes. To enable them so to do, they shall have power to employ engineers and such hands and other employees as may be necessary, and to enter upon any land within said district, after notice to the owner or occupant thereof, for the purpose of making any drain or improvement as contemplated by this act; then said commissioners may proceed to condemn said land in the same manner that turnpike road companies are authorized to condemn lands for their use, the proceedings to be in the name of said commissioners, as will be required to make such drains and improvements and keep them in repair; and may, in their discretion, levy and apportion the taxes authorized to be levied upon any land within said district, or may levy said taxes alone upon the lands to be benefited by said improvements, if they, in their discretion, think proper. They shall have power to appoint a collector of the tax, who, before he acts, must give bond in the county court, with one or more sufficient securities, to be approved of by said court, conditioned that he will faithfully discharge the duties of said collector. The said bond shall be given to the said commissioners in their corporate capacity. The collector, in the collection of said tax, shall have all the powers of sheriffs in the collection of the State revenue; and all taxes assessed shall be liens on the lands of the respective parties taxed; and if the taxes are not paid by the time fixed by the commissioners for payment, the collector shall have the power, after advertising at two places in the district, and at the courthouse door of the county for one month, to sell so much

Powers and
duties of com-
missioners.

1872. as will pay the tax and interest due thereon, and power to make to the purchaser a deed therefor, provided the taxpayer shall, at any time within five years, have the right to redeem the same by paying the purchase money, all past taxes, and ten per cent. interest thereon.

§ 5. The commissioners shall keep a record and journal of their official proceedings, and the proceedings of each meeting shall be signed by them, and the same, or copies of the same, attested by the commissioners in office, shall be competent testimony in any controversy under this act. A majority of the commissioners shall constitute a quorum to do business; but no acts of the commissioners, except adjournments from time to time and filling vacancies, shall be valid, unless assented to by a majority of the commissioners, and the same shall be shown on the journal of their proceedings.

Unlawful
to injure or
obstruct any
drain or im-
provement
made by com-
missioners.

§ 6. It shall be unlawful for any person to injure, obstruct, or destroy any drain or improvement which may be made by said commissioners, or be made under authority of this act; and any person so offending shall be subject to a fine not exceeding the sum of fifty dollars, to be recovered before any justice of the peace of Greenup county; and shall be liable also as offenders to said commissioners in a civil suit, which may be brought in their names for any damages that may be done or sustained by reason of such injury, obstruction, or destruction of such drains or improvements, to be recovered in any court of this Commonwealth having competent jurisdiction.

§ 7. This act shall be in force from and after its passage.

Approved February 12, 1872.

CHAPTER 271.

AN ACT to amend an act incorporating the town of Calvert City, in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the town of Calvert City, in the county of Marshall, and State of Kentucky, with the following boundaries: beginning at the southeast corner of Second street; thence north $79\frac{1}{2}$ degrees west 2280 feet [to the] southwest corner; thence north $7\frac{1}{2}$ degrees east 1503 $\frac{1}{2}$ feet to the northwest corner; thence south $86\frac{1}{2}$ degrees east 1164 feet; thence south $10\frac{1}{2}$ degrees west 360 feet; thence south $70\frac{1}{2}$ degrees east 1134 feet; thence south $10\frac{1}{2}$ degrees west 1220 feet, to the beginning corner, making 75 acres and 1.54 poles, be, and the same is hereby, established and incorporated as a town.

§ 2. That A. Birdwell, H. Curtis, Abe Goodman, Pressly Pritchett, and M. P. Cox, are hereby appointed trustees for the said town, and shall remain in office until the first Saturday in May, 1872. And upon the first Saturday in May of each succeeding year the legally qualified voters under the Constitution of Kentucky and of the United States of America, who shall have resided in the town boundaries sixty days next before the election, shall meet at such place in said town as may be designated by said trustees, and choose five persons by vote to serve as trustees of said town for twelve months thereafter, and until their successors shall be elected and qualified.

1872,

Election of trustees and their term of office.

§ 3. That the said trustees and their successors in office are hereby appointed and established a body-corporate and politic, with power to sue and be sued, to enact ordinances, by-laws, and regulations for the government of said town, not inconsistent with the Constitution and laws of Kentucky or of the United States; to grant coffee-house license, to levy a tax on the real and personal property within the limits of said town, to appoint an assessor to value the said property, and collector to collect the tax, to be appropriated by the trustees to meet the ordinary expenses thereof: *Provided*, The tax shall not exceed fifty cents on every one hundred dollars' worth of property, and one dollar on each tithe within the limits of said town. But before any one shall sell liquors under a coffee-house license, he shall show himself entitled thereto, and qualify and execute bond in the county court as required by law.

Corporate powers.

§ 4. That said collector hereinbefore provided for shall have power to collect the taxes assessed, and for that purpose may make distress and sales as sheriffs are allowed by law to collect the revenue of this Commonwealth. The trustees shall require him to give bond, and shall make him a reasonable compensation for his service.

Collectors—powers and duties.

§ 5. That the trustees may appoint a clerk, whose duty it shall be to keep a fair record of the proceedings of the board of trustees; and he shall give public notice, by advertisements in said town, of any election of trustees, at least ten days before such election; and it shall be his duty to conduct such elections, to determine the qualifications of the voters, to declare the persons elected, and to record the same.

Clerk—his duties.

§ 6. That it shall require the concurrence of a majority of the trustees to exercise the power granted in this act; and in the event of a failure to make an election as hereinbefore provided, the trustees herein appointed shall continue in office until their successors are duly elected; and the said trustees shall have power to fill all vacancies in their own body occurring between the times of elections;

Trustees may fill vacancies in their own body.

1872.

and they may change the time of holding elections to suit the citizens of said town.

Police judge
and marshal to
be elected—
term of office
and duties.

§ 7. That at the same time and place of election, as herein provided for, it shall be lawful to elect a police judge and town marshal, who shall hold their office for one year from the date of their election, and until their successors are qualified; and said police judge shall be commissioned by the Governor, and have all the powers and qualifications of a justice of the peace within the limits of the town, and receive like fees for like services. The marshal shall have the same powers and qualifications within the limits of said town of a constable, and shall receive the same fees for similar services. Said police judge and marshal shall execute bond and take an oath as is now required of justices of the peace and constables in this Commonwealth.

Power of
trustees over
streets, &c.

§ 8. That the said trustees shall have power to open the streets and alleys of said town, and to grade, pave, and macadamize the same, and to make such other improvements for the benefit of said town as they may see fit and proper, subject to all constitutional safeguards requiring compensation for damage done to private property.

§ 9. That this charter may be amended and added to at the pleasure of the General Assembly. But nothing in this act shall be construed to divest any person or persons of any right or title to lands within said boundaries, or to subject said lands to town taxes, or authorize the trustees to sell, take, or in any manner control said lands (except by and with the consent of the owner), until said lands shall have been vested in the trustees, as provided for in chapter one hundred of the Revised Statutes.

§ 10. And this act shall take effect from its passage.

Approved February 12, 1872.

CHAPTER 273.

AN ACT authorizing the clerk of the Harrison circuit court to complete and continue a cross-index to judgments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Harrison circuit court be, and he is hereby, required to complete and bring up the general cross-index of the judgments of said court from the time to which the same has heretofore been made by the former clerk of said court, provided that the judge of said court shall so direct.

§ 2. Said general cross-index shall be continued by the clerk of the said court upon the order of the judge of said court.

§ 3. The county court of Harrison is hereby required to make such orders of allowance, payable out of the county levy, to the clerk of the Harrison circuit court, for his services under this act, as the Harrison circuit court may make and certify, upon having the same valued by two commissioners appointed and sworn by said court for that purpose.

1872.

§ 4. This act shall take effect and be in force from and after its passage.

Approved February 14, 1872.

CHAPTER 274.

AN ACT to amend an act, entitled "An act to amend the road law in Bracken county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge and justices of Bracken county shall, at their regular court of claims in the month of May, 1872, and every two years thereafter, elect a commissioner of roads for said county, who shall hold his office for two years, and until his successor shall have been elected and qualified.

§ 2. That the law authorizing the county court to appoint a commissioner of roads in the month of June for said county is hereby repealed.

§ 3. That this act shall take effect from its passage.

Approved February 14, 1872.

CHAPTER 276.

AN ACT to repeal in part an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," approved March 7th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," approved March 7th, 1871, as relates to Lincoln county, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved February 14, 1872.

1872.

CHAPTER 277.

AN ACT to amend the charter of the Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The following shall be the rate of tolls which the Kentucky River Turnpike Road Company shall have a right to charge and collect at the gates on their road, viz: Hogs, per head, 2 cents; cattle and sheep, 1 cent; one horse and rider, 5 cents; one horse or jack, or jennet, 5 cents; one-horse buggy, 10 cents; two-horse buggy, 15 cents; two-horse carriage, 20 cents; two-horse furniture car, 35 cents; two-horse spring-wagon, 35 cents; one-horse spring-wagon, 20 cents; farm or market-wagon, two-horse, 30 cents; three-horse wagon, 40 cents; four-horse wagon, 50 cents. Transit or road-wagons are as follows: Two-horse wagon, 40 cents; three-horse wagon, 50 cents; four-horse wagon, 80 cents; five-horse wagon, 90 cents; six-horse wagon, 1 dollar; two-horse wagon, empty, 25 cents; three-horse wagon, empty, 30 cents; four-horse wagon, empty, 40 cents; five-horse wagon, empty, 50 cents; six-horse wagon, empty, 60 cents; one-horse cart, 25 cents; two-horse cart, 30 cents; two-ox cart or wagon, loaded or empty, 30 cents; four-ox cart, 50 cents; six-ox cart, 60 cents; four-horse stage, 75 cents; one-horse sleigh or sled, 10 cents; two-horse sleigh or sled, 20 cents; elephant or show animals, 50 cents.

§ 2. The charges or collection of tolls heretofore made by said company, not exceeding the rates hereinbefore specified, are hereby legalized, and are to have the same effect in every respect as if this act had been previously enacted.

§ 3. This act shall take effect from its passage.

Approved February 14, 1872

CHAPTER 279.

AN ACT requiring the circuit and county clerks of Montgomery to index and cross-index certain records, and prescribing the manner of payment for performing such work.

WHEREAS, The court-house of Montgomery county was burned in December, 1863, and the indexes to several of the record-books, and the general cross-index to the records of the Montgomery circuit court, and the general cross-index to the deed books of the Montgomery county court, were destroyed by said burning; and it being necessary that said indexes should be made,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1872.

§ 1. That the clerk of the Montgomery circuit court be, and he is hereby, authorized to make and supply each record-book in his office with an index that now has none; and that he also make a complete general alphabetical cross-index to all records of said office; and that the clerk of the Montgomery county court be, and he is hereby, authorized to make a complete general alphabetical cross-index to all deed-books in his office.

§ 2. That the judge of the Montgomery circuit court is authorized to make such order of allowance to the clerk of said court, for his services for said work, as to him may appear, on proof, just and reasonable, and certify said allowance to the court of claims of Montgomery county; and that the judge of the Montgomery county court is authorized to certify to said court of claims such sum, for the services of said county clerk for said work, as to him shall appear, on proof, to be just and reasonable; and that said court of claims shall thereupon make an order to pay said sums so certified by said circuit and county judges out of the county levy of Montgomery county.

Approved February 14, 1872.

CHAPTER 280.

AN ACT to empower the circuit judge of the thirteenth judicial district to fill by appointment the vacancy caused by the death of the late master commissioner in chancery for the Bath circuit court.

That whereas Lindsay Coleman, heretofore a master commissioner in chancery for the circuit court of Bath county, has died, and said office has thereby become vacant, and it appearing to the satisfaction of this General Assembly that the business of said court requires that another master commissioner be appointed to fill said vacancy before the next term of the Bath circuit court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit judge of the thirteenth judicial district of Kentucky be, and he is hereby, authorized and empowered to fill said vacancy out of term time as fully as if said court were sitting; said office of said master commissioner so appointed to continue for a like period of time from the next circuit court in said county after said appointment, as like master commissioners appointed by the circuit courts of this Commonwealth.

§ 2. This act to take effect from its passage.

Approved February 14, 1872.

1872.

CHAPTER 281.

AN ACT for the benefit of the Mt. Sterling and Levee Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Mount Sterling and Levee Turnpike Road Company are hereby authorized and empowered to execute a mortgage on the said road to secure the payment of the money borrowed to complete the construction of said road, if, in their discretion, it is deemed proper. The mortgage shall be valid when executed and acknowledged by the president of the said company, after an order made on the record of said company by the president and directors: *Provided*, That the said mortgage shall not be foreclosed for at least twelve months after its execution.

§ 2. This act shall take effect from its passage.

Approved February 14, 1872.

CHAPTER 282.

AN ACT for the benefit of the Winchester and Red River Iron Works Turnpike Road Company, and the Schollsville Branch of same Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the annual meeting of the stockholders of the Winchester and Red River Iron Works Turnpike Road Company shall be held at ten o'clock in the morning, on the Saturday before the first Monday in May of each year; and the annual meeting of the stockholders of the Schollsville Branch of same road shall be held at ten o'clock in the morning, on the Saturday before the first Monday in August of each year.

§ 2. This act to take effect from its passage.

Approved February 14, 1872.

CHAPTER 283.

AN ACT to amend an act, entitled "An act to incorporate the Red River Iron Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company may
increase capi-
tal stock.

§ 1. That an act, entitled "An act to incorporate the Red River Iron Manufacturing Company," approved February 13th, 1866, is so amended as to authorize said company to increase its capital stock to an amount sufficient

to build and construct any railroad authorized by its original charter, not to exceed five millions of dollars.

1872.

§ 2. That said company shall have power to create a special stock, not to exceed five millions of dollars, with which to build and construct any railroad authorized by said charter, and for that purpose may borrow money and secure the payment thereof by bonds and mortgages on such railroad as may be constructed by said company, or on its other property now owned or which it may hereafter acquire.

May make special stock to build railroads.

§ 3. That whenever said company shall, in writing, request the county court of any county, or the city council of any city, through or adjacent to which it is proposed to construct said railroad, such court or council may submit to the qualified voters of such county or city the question whether said court or council shall subscribe to the capital stock of said company, for and in behalf of said county or city, the amount of stock specified in the request of said company. The election shall be held on a day to be fixed by the court, not less than thirty nor more than sixty days after the order is made, of which public notice must be given at the time such order is made, and shall be held and conducted in the manner now provided by law in regard to general elections; and if it shall appear that a majority of the legal votes cast at said election shall be in favor of such subscription, it shall be the duty of the judge of said county, or the council of said city, to enter said vote upon their records, and the subscription shall be made on the terms specified in the order submitting the question to a vote, in the mode and manner prescribed for such subscriptions in the Louisville and Nashville Railroad and its branches; and also any citizen of this Commonwealth may subscribe to the capital stock of any railroad built, or to be built, under the provisions of this act and the act to which this is an amendment.

Upon application to county court or city council, question of subscribing stock to be submitted to people.

If decided favorably, such subscription shall be made.

Private citizens may subscribe for stock.

§ 4. That said company shall first construct a railroad from Richmond, by way of Irvine and Scott's Landing, to Proctor, and they may also construct a railroad from Paris to the Red River Iron Works, in Estill county, and from said iron works to any point in Clark county.

Route of railroads.

§ 5. This act shall take effect from its passage.

Approved February 13, 1872.

1872.

CHAPTER 284.

AN ACT to incorporate the Grand Central Industrial Exposition.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John R. Throckmorton, James M. Bryant, James C. Johnston, George P. Doern, John B. McFerran, Chas. H. Clifton, Robert Atwood, Chas. U. Shreve, L. L. Dorsey, Clarence Bate, Wm. Johnston, John S. Cain, Chas. M. Thruston, J. Richard Barret, C. Bullitt, W. R. Ray, Jilson P. Johnson, James S. Barret, James W. Bowles, and their associates and successors, are hereby constituted a body-corporate, by the name and style of the "Grand Central Industrial Exposition;" and by that name may sue and be sued; have a common seal, and alter it at pleasure; and may appoint marshals for the preservation of order, who shall have the powers, and be responsible in like manner as police men of the city of Louisville; and said company shall have all necessary power and authority to carry out the objects of this act.

§ 2. The capital stock of the company shall be five hundred thousand dollars, which may be increased from time to time by the board of directors, but not to exceed fifteen hundred thousand dollars; it may be divided into shares of twenty-five, fifty, or one hundred dollars each, as the directors shall elect, and may be paid for in real estate, in lumber, or by services rendered in the erection of buildings, or in making other improvements for said company.

§ 3. The directors may make all by-laws considered necessary for the government of the company, which shall not be inconsistent with the Constitution and laws of the State, nor with the Constitution of the United States; they may fix the number necessary to constitute a quorum of their body, and fill any vacancies that may occur by death, resignation, or otherwise; they shall receive no pay for their services, but may fix the salaries and prescribe the duties of the president, and of all other officers and employees of the company.

§ 4. The individuals above named shall constitute the first board of directors, and hold their office for one year, or until their successors are elected and qualified; and may organize the company as soon as one hundred thousand dollars of the capital stock is subscribed for.

§ 5. Said corporation is authorized and empowered to make such roads, highways, or drives, to and through their grounds, as may be necessary to make them most accessible from all points, and best contribute to the convenience, comfort, and pleasure of the citizens of Louisville and of Jefferson county, and the same may be paved with wood or stone, or what is known as the "asphalte composite;" and

upon any one or more of these roads, highways, or drives, a railroad may be constructed (if deemed necessary), to be propelled by steam or horse power. These roads or drives may pass over the land of other persons, provided the consent of the owners be first obtained by an agreement in writing; otherwise said company may have the same condemned, if necessary, for the purposes of said corporation, in the manner now provided for by chapter 103 of the Revised Statutes of this State.

1872.

§ 6. The said company is also authorized to borrow any sum of money not exceeding two hundred and fifty thousand dollars; and for that purpose may issue bonds of one hundred dollars, or one thousand dollars each, bearing interest at the rate of not more than ten per centum per annum, payable semi-annually, the principal redeemable at such period as the directors may fix, not exceeding twenty years. The payment of the principal and interest of said bonds may be secured by mortgage or deed of trust upon any or all of the property, real or personal, belonging to the company. If deemed advisable, said bonds may be made convertible at any time into the stock of said company. The right to hold stock in other corporations, either by purchase or in exchange for its stock, is also granted to this company; and its stock may be subscribed for by any individual, town, city, county, or corporation.

May borrow money, and issue bonds to secure same.

§ 7. The property of this corporation shall be taxed for the next two years upon the present assessment thereof.

§ 8. This act shall take effect from its passage.

Approved February 16, 1872.

CHAPTER 285.

AN ACT to repeal an act, entitled "An act to amend an act to establish the town of Frederick, in Barren county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to establish the town of Frederick, in Barren county,'" be, and the same is hereby, repealed, except that the said town shall retain the name of Center, as provided in said act.

§ 2. This act shall take effect from the time of its passage.

Approved February 16, 1872.

1872.

CHAPTER 286.

AN ACT to amend the charter of the Elizabethtown and Paducah Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section fifteen of an act to amend the charter of the Elizabethtown and Paducah Railroad Company, approved February 24, 1868, as gives the sheriff a prior or exclusive right to collect the tax levied to pay the interest on bonds for county subscription to the said railroad, be, and the same is hereby, repealed, and that hereafter it shall be the duty of the county court to appoint the collector.

§ 2. That this act shall be in force from and after its passage, but shall apply to the county of McCracken only.

Approved February 16, 1872.

CHAPTER 287.

AN ACT for the benefit of Martin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners
to locate coun-
ty seat.

Duties of com-
missioners.

Commissioners
to report to
county court.

Compensation
of commission-
ers.

Question of
adoption of re-
port of commis-
sioners to be
submitted to
voters of coun-
ty.

§ 1. That Andrew J. Hatcher, of Pike county; Green M. Witten, of Floyd county; and William G. Wells, of Johnson county, be, and are hereby, appointed commissioners, who shall, on or before the 15th day of June, 1872, meet and select a situation suitable for the county, seat, having reference to the greatest convenience to the people of the county, and to the centre of the county, as may seem best to them; they shall all three be present to select the same; and a situation agreed upon by two shall bind the whole commission; they shall, before performing any of the duties herein required, be sworn faithfully to perform their prescribed duties to the best of their judgment, which oath may be administered by any one authorized to administer an oath; and when they have so selected a situation, they shall report the same to the clerk of the county court for said county, giving the location, and the name of the owner of the ground, if known to them, and if not, then the name of the person who claims the ground; they shall each be allowed the sum of thirty dollars for their services, to be paid out of the county levy of said county.

§ 2. The officers of said county shall cause to be opened a poll, at the regular August election in 1872, giving the people of said county an opportunity to vote on the location of the county seat; and said vote shall be for Warfield, or for the commissioner's location; and if a majority

of the legal votes cast be for Warfield, then Warfield shall be the county seat; and if a majority of the legal votes cast be for the commissioner's location, then said location shall be the county seat; and whichever place of the two is selected by the votes of the people, shall be the permanent location for the county seat, and the officers of the county shall then proceed to erect the necessary public buildings.

1872.

Approved February 16, 1872.

CHAPTER 288.

AN ACT to authorize McKee Lodge, No. 35, I. O. O. F., at Versailles, to issue bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That McKee Lodge, No. 35, I. O. O. F., at Versailles, be, and is hereby, authorized to issue bonds to the amount of ten thousand dollars or less, for the purpose of aiding said lodge in the erection of a building in the town of Versailles, to be known as Odd Fellows' Hall.

§ 2. Said bonds shall bear not more than eight per cent. interest, with coupons attached, and payable on the 1st day of January of each year, at the Commercial National Bank of Versailles, and shall have ten years to run; but they may be redeemable, at the pleasure of said McKee Lodge, after the expiration of one year from the date of each bond.

§ 3. That said bonds may be issued in sums not less than fifty dollars nor more than five hundred dollars.

§ 4. That said McKee Lodge shall prescribe the form of the bonds, and they shall be signed by the noble grand of the lodge and attested by its secretary, and its corporate seal shall be affixed to such bond.

§ 5. That said lodge shall have power, by its managing officers, to create a sinking fund, out of rents and other revenues accruing to said lodge, for the purpose of paying the interest and principal of said bonds at maturity, or sooner if deemed advisable.

§ 6. All the property of said lodge shall be bound for the payment of said bonds, and they shall be first mortgage bonds on the real estate owned by the same.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 16, 1872.

1872.

CHAPTER 289.

AN ACT to amend the charter of the Machpelah Cemetery Company, in Montgomery county.

WHEREAS, Watson Lodge, No. 32, I. O. O. F., has purchased of Montgomery Lodge, No. 23, of Free and Accepted Masons, all its interest in and to the Machpelah cemetery grounds, near Mount Sterling, in Montgomery county; and whereas, doubts exist as to the validity of said sale and purchase; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said sale and purchase be, and it is hereby, declared valid.

§ 2. That the board of directors of said Machpelah Cemetery Company shall hereafter consist of the noble grand, the vice grand, the sitting past grand, the treasurer and secretary of said Watson Lodge, with perpetual succession, each of whom shall remain in office as a director until his successor is elected or installed in said lodge, and no longer; and said board of directors shall control the affairs of said corporation under such rules and regulations as said Watson Lodge may from time to time adopt; and they are hereby declared to be the successors and assigns of the persons named as incorporators in the charter of said company, and are hereby vested with all the powers, rights, and privileges conferred by, and subject to all of the duties required of them by said charter, so far as is not inconsistent with this amendment.

§ 3. Said board of directors shall elect a president, secretary, and treasurer out of their number, each of whom shall hold their office for six months, subject, however, to removal, as provided by the charter.

§ 4. So much of the act incorporating said company, approved February 15, 1858, and to which this is an amendment, as is inconsistent herewith, is hereby repealed.

§ 5. This act shall take effect on its passage.

Approved February 16, 1872.

CHAPTER 290.

AN ACT to amend the charter of the Old State Road and Ripple Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Old State Road and Ripple Creek Turnpike Road Company be, and it is hereby, authorized to borrow a sum not exceeding twenty-five thousand dollars

Company may
borrow money.

(\\$25,000), to enable said company to pay its present debt, and to complete the road to the house of John Black, in Campbell county, Kentucky. 1872.

§ 2. That to enable said company to borrow said money, its board of directors is hereby authorized to issue the bonds of said company, not exceeding in the aggregate the said sum of \\$25,000, and to sell the same at such prices as they may deem expedient. May issue bonds to raise said money.

§ 3. That said board shall make said bonds of such denominations as it may deem expedient; none of them, however, to be for a less sum than one hundred dollars, or a greater sum than one thousand dollars; said bonds to bear a rate of interest to be determined by said board, but not to exceed ten per centum per annum, payable semi-annually, at such time and place as the board shall specify on the face of the bonds, and for which coupons may or may not be attached, as the board shall determine. Said bonds shall be sealed with the corporate seal of said company, and signed by its president, and attested by its secretary.

§ 4. In order to secure the payment of said bonds, said corporation is hereby authorized to mortgage or convey, in trust for the security of said bonds, that portion of their turnpike road which commences at the Newport and Alexandria Turnpike Road, and extends to the house of said John Black, conditioned to pay the principal and interest of said bonds. May mortgage road to secure payment of bonds.

§ 5. That said company is hereby authorized, if it shall elect to do so, to redeem any part or all of the bonds they may issue under this act, at any time after the expiration of five years from their date, by paying the principal and all interest due thereon at the time of redemption; but the bonds are not to run longer than ten years.

§ 6. Said mortgage is not to interfere or release any liabilities of said company now existing; and this act to take effect from its passage.

Approved February 16, 1872.

CHAPTER 292.

AN ACT to amend the road law of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all streets of incorporated towns, in Union county, connecting with any of the public roads of said county, are hereby declared a part of such public roads, and shall be worked in the same manner, and under the same laws, as the other public roads in said county.

§ 2. This act to take effect from and after its passage.

Approved February 16, 1872.

1872.

CHAPTER 293.

AN ACT to incorporate the Cabin Creek Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporate
name, and style.

§ 1. That a body-corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of the Cabin Creek Turnpike Road Company; and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

Object of
corporation.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road from a point in the road leading to Manchester, at the Forks of Cabin creek; and thence up the South Fork of said creek to intersect the Concord road at the old Hachet farm on said creek.

Tax to build
road.

§ 3. A tax of one dollar upon each one hundred dollars' worth of taxable property within one mile of said road, on each side thereof, shall be levied and collected; and also a tax of fifty cents upon each one hundred dollars' worth of taxable property within a distance of a half a mile from the mile line on each side thereof, to be used in building said road.

Capital stock.

§ 4. The capital stock of said company shall be ten thousand dollars, which may be increased to any sum necessary to build said turnpike road.

Officers—term
of office and
time of elec-
tion.

§ 5. The officers of said company shall consist of a president, secretary, treasurer, three directors, and such other officers and agents as said company, by its by-laws, shall provide for. The president, secretary, treasurer, and directors, shall be chosen annually by the stockholders, in such manner as said company shall provide by its by-laws; said officers shall hold their offices until their successors are elected and enter upon the discharge of their duties.

Commissioners
to receive sub-
scriptions of
stock.

§ 6. That J. E. Hall, George W. Rowland, John D. Tully, and Robert Gillaspie, are hereby appointed commissioners, any one or more of whom may act, to secure subscriptions of stock to said turnpike road, at such times and places as said commissioners may, from time to time, deem expedient; that the stock shall be divided into shares of twenty-five dollars each; and that such of said commissioners as shall act shall procure one or more books, and the subscribers for stock shall sign the following obligation, to be entered in said book: "We, whose names are hereunto subscribed, do promise to pay to the Cabin Creek Turnpike Road Company the sum of twenty-five dollars for each share set opposite our names, in such proportion, and at such times, as shall be determined by the president and directors of said company.

§ 7. As soon as one thousand dollars is subscribed in stock to said company, it shall be the duty of said commissioners, or those who act, to give notice to those who have subscribed stock to said company on their books of a meeting of the stockholders, at the house of ———, for the purpose of choosing the officers of said company; each stockholder shall be entitled to one vote for each share of stock owned by them; but no person shall be elected an officer in said company who is not a stockholder.

1872.

When company may organize.

§ 8. That as soon as the officers are elected, and the company organized, said company shall possess all the powers, authority, rights, and privileges, and may do all acts and things necessary to enable said company to build said turnpike road, erection of gates, collection of tolls, appointing all necessary engineers, surveyors, and agents as shall be necessary for the building and successful use, occupation, and operating of said road, and for the repair of the same.

Corporate powers.

§ 9. That the provisions of an act of the Legislature incorporating the "Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Company," approved February 13, 1867, so far as the same are applicable, and not inconsistent with the provisions of this act, are hereby adopted as a part of this act.

§ 10. The tax-payers who pay taxes under this act towards building said road, shall be stockholders in said road company for the amount of taxes paid.

Tax-payers to own stock to amount of tax paid.

§ 11. That whenever said road shall be put under contract to responsible parties, and proof of such contract to the county court of Lewis county is made, it shall be the duty of said county court to subscribe to said turnpike road company one thousand dollars per mile for, and in the name of, Lewis county; and said county shall, upon such subscription by the county judge of said county for said county, become a stockholder in said company to said amount. The stock shall be represented and voted at any election of officers of said company by the judge of the Lewis county court and the clerk of said court, each voting one half of the stock of said county at all elections held by said company. Whenever one mile of said road is put under contract, approved by the county court, the county judge shall subscribe one thousand dollars to the stock of said company.

County court to subscribe to stock of said company.

County judge to represent county stock at elections.

§ 12. When the road is completed the company shall be allowed to erect one gate and charge full toll at the rates fixed in the act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road, approved February 13, 1867.

May erect gates and charge tolls

1872.

Persons paying
tax to this road
to be exempt
from other
road tax.

§ 13. That all persons taxed to build the road shall be exempt from paying tax on any other road; and when the lines and boundaries of two roads conflict, the boundary shall be equally divided between them.

§ 14. The stockholders shall not pay any tax until their taxes amount to the sum of stock subscribed by them; and after their taxes amount to the sum of their stock, they shall pay taxes.

Sheriff of Lewis
county to
collect tax.

§ 15. The tax shall be collected by the sheriff of Lewis county, and paid over by him to treasurer of said company; but the tax-payers may pay their taxes to the treasurer at any time before the same are listed with the sheriff. The taxes shall be levied for the year 1872, and continue to be levied each year till the road is completed.

Assessor to
make return to
county court.

§ 16. The assessor shall assess the property authorized to be taxed by this act, and return same to the Lewis county court on or before the third Monday in August of each year.

Company may
issue bonds.

§ 17. The said road company are authorized to issue their bonds for an amount sufficient to build said road; and the taxes authorized to be levied by this act are pledged for the redemption of said bonds, and the taxes collected shall be used for that purpose.

§ 18. This act to take effect from and after its passage.

Approved February 16, 1872.

CHAPTER 294.

AN ACT to amend the charter of the Campbell Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Campbell Turnpike Road Company be so amended as to permit the president and directors of said company to purchase and hold real estate for the use of said company, not to exceed fifty acres in quantity, for the purpose of erecting shops and houses for the hands engaged in keeping said road in repair.

§ 2. This act shall take effect from its passage.

Approved February 16, 1872.

CHAPTER 295.

1872.

AN ACT to amend an act, entitled "An act to incorporate the Lexington City Passenger and Freight Railroad Company," approved February 24th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Lexington City Passenger and Freight Railroad Company," approved February 24th, 1870, be amended as provided in the following sections.

§ 2. Said company shall have power to receive from citizens of Lexington, and others desiring to make the same, donations of money or property to aid in the construction or equipment of its road, or obligations to pay specific sums or convey specific property to said company; which obligations may be absolute or dependent upon the completion of the road, or any part thereof, or the performance by the company of any other conditions therein specified; and upon the full performance of said conditions, said obligations shall be binding in law and equity, and may be enforced against the obligors thereto.

Company may receive donations to aid in building road.

§ 3. Said company, in order to aid in the completion of its work, shall have power to issue its bonds at such times and places, and to such amounts, payable at such times and places, and at such rate of interest (not exceeding ten per cent. per annum) as it may think proper, and may secure the same by mortgage or deed of trust, pledging the road property and franchises of said company; said bonds shall be signed, and said mortgages or deeds of trust shall be executed and acknowledged, by the president and secretary; and the same shall be as binding, and the same remedies shall lie for their enforcement, as apply to other similar instruments executed by individuals competent to execute the same; and in case of the sale of the road or property, or franchises aforesaid, upon a foreclosure of such mortgage or mortgages, or in execution of such deed or deeds of trust, the purchaser thereof shall become completely invested with the right and title thereto.

Company may issue bonds and secure same by mortgage.

§ 4. The directors may from time to time make dividends of their surplus earnings; and if at any time it should appear to the directors that a sufficient per centage of the shares of stock has been called and paid in by the stockholders to meet the exigencies and requirements of the company, the board of directors may enter an order upon their books, declaring the stock fully paid; and the stockholders shall thereupon be relieved from any further calls upon them on account of said stock.

Directors may declare dividends.

§ 5. This act shall take effect from and after its passage.

Approved February 16, 1872.

1872.

CHAPTER 206.

AN ACT to authorize the Franklin county court of claims to submit to the voters of said county the question of voting a tax for turnpike purposes in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Question of
levy of tax for
turnpike roads
to be submitted
to voters of
county.

§ 1. That the court of claims for Franklin county may, by order entered of record at any regular or called term of their court, cause to be submitted to the voters of said county, at any regular election, the question of imposing a tax of thirty cents on each hundred dollars of property assessed in said county under the State assessment, to be held and used by said court as a fund to aid in the construction of turnpike roads in said county.

Notice of said
election to be
given.

If proposition
carries, tax
shall be levied.

§ 2. Upon the order of said court, the sheriff of said county shall make a proclamation of at least thirty days before the day appointed for said vote, and the clerk of each election district shall open two columns upon the poll-book, in one of which he shall record the votes "For the turnpike tax," and in the other the votes "Against the turnpike tax," as now required by law; and if a majority of those voting, upon a comparison of the polls by those authorized by law to compare them, shall be found to have voted for said tax, the same shall be imposed, and the sheriff of said county shall collect it upon the same terms and conditions as he now collects the State revenue.

Fund so raised
to be used only
for construct-
ing turnpikes.

§ 3. The fund arising from said tax shall be held and faithfully and exclusively applied in aid of the building and construction of turnpike roads in said county under the order and direction of said court of claims. There shall not be appropriated to any road more than twelve hundred and fifty dollars per mile, and no appropriation shall be paid to any road until a sufficient sum has been raised, including the appropriation, to complete said road.

Court of claims
to elect a treas-
urer.

§ 4. The court of claims may elect a treasurer for a term of two years, and require bond and approved security from him, to whom said money shall be paid, and which shall be drawn from him upon the order of said court, certified by the clerk.

Taxes shall be
held as stock.

§ 5. The amounts paid to each turnpike road shall be held as stock in such road by the county court of Franklin county, and controlled by said court.

Approved February 17, 1872.

CHAPTER 297.

1872.

AN ACT for the benefit of the Henry, Oldham, and Jefferson Turnpike Road Company.

WHEREAS, It is represented that there is a large debt due and owing by the Henry, Oldham, and Jefferson Turnpike Road Company, and that the stockholders being anxious to pay off and liquidate the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the question of selling the stock in said turnpike company shall be submitted to the real bona fide stockholders of said company, each stockholder having a vote or votes for each share or shares that he may own in said company. The county judge of Oldham county shall, upon the application of any two or more of the said stockholders, by order of court, fix a day upon which said election shall be held; a copy of the order shall be posted at the court-house door of Oldham county, and at three other public places near where the said road runs. For the purpose of conducting said election, the county judge of Oldham county shall appoint two persons disinterested to act as judges, and a clerk, and shall require the attendance of the sheriff. The election shall be held at Ballardsville, in Oldham county, and between the hours of nine o'clock, A. M., and three P. M.; and for taking the sense of the stockholders of said company, a poll-book shall be prepared, with two columns, one headed for the sale of stock, and one column headed against the sale of stock. It shall be the duty of the clerk and judges of said election to certify and deliver the poll-book to the sheriff, whose duty it shall be to deliver the same to the county judge, who, together with the county clerk, shall examine the same, and keep the same on file in the clerk's office. If those persons representing a majority of the stock in said turnpike road company vote for the sale of the same, the stock of said road may be sold at public outcry, or privately, if deemed best for those in interest, by notice first being given of the time and place of sale, at least ten days prior to the day of sale; and the now president of said road is, by this act, authorized and empowered to make all the proper and necessary assignments, in order to carry out the object of this act; and his acts done under and by virtue of this act are, to all intents and purposes, valid and binding.

Stockholders
to vote on sale
of stock.

County judge
to order elec-
tion.

Where said
election shall
be held.

Duties of
officers of elec-
tion.

If vote is fa-
vorable, the
stock shall be
sold at auction.

§ 2. That the stockholders, and all persons living along

1872. the line of said road, are, by this act, compelled to work on said road to keep it in proper repair.

§ 3. This act to be in force from its passage.

Approved February 17, 1872.

CHAPTER 298.

AN ACT to amend the charter of the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section first of an act approved February 3d, 1871, chapter 1212, relating to the town of Harrodsburg, be, and the same is hereby, repealed: *Provided, however,* That before this act shall be of any force or effect, it shall be the duty of the trustees of the town of Harrodsburg to submit it to the decision of the qualified voters of said town, at an election to be held at the court-house in Harrodsburg, on the first Monday in the month of March, 1872.

Approved February 17, 1872.

CHAPTER 299.

AN ACT for the benefit of A. Portwood, sheriff of Anderson county.

WHEREAS, George Smith was sentenced to be confined in the State House of Reform at the June term, 1871, of the Anderson county circuit court, and was, under a sentence of said court, taken by A. Portwood, sheriff of Anderson county, to the city of Louisville; and the account of said Portwood for his expenses incurred in performing said services having been inspected and approved by said court, amounting to forty-two dollars and forty cents, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of the State shall draw his order upon the Treasurer of State in favor of A. Portwood, for the sum of forty-two dollars and forty cents.

§ 2. This act shall take effect from and after its passage.

Approved February 17, 1872.

CHAPTER 300.

1872.

AN ACT for the benefit of the creditors of the Winchester and Muddy Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever any creditors of the Winchester and Muddy Creek Turnpike Road Company shall file a petition in equity, in the Clark circuit court, alleging the insolvency of said company, the said court shall have jurisdiction and authority to order and direct a sale of said road, together with its franchises, if, on trial, it appears that such sale is necessary to pay the debts of said company.

§ 2. The proceedings in such cases shall be conducted as now required in the settlement of the estates of insolvent decedents.

§ 3. The purchaser, under any sale made by virtue of this act, shall be required to keep and maintain said road as the said road company is now required to do by its charter, and shall succeed to all the rights and privileges of said company, and subject to all the penalties appertaining to it, except that the said purchaser shall be individually responsible for all debts, contracts, or liabilities incurred after the control of the road shall have been surrendered to him.

§ 4. This act to take effect from its passage.

Approved February 17, 1872.

CHAPTER 301.

AN ACT for the benefit of the Beard's Station, Floydshurg, and Aiken Turnpike Road Company.

WHEREAS, It is represented that there is a large debt due and owing by the Beard's Station, Floydshurg, and Aiken Turnpike Road Company; and that the stockholders, being anxious to pay off and liquidate the same, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the question of selling the stock in the said turnpike company shall be submitted to the real bona fide stockholders of said company, each stockholder having a vote or votes for each share or shares that he may own in said company. The county judge of Oldham county shall, upon the application of any two or more of the said stockholders, by order of court, fix a day upon which said election shall be held; a copy of the order shall be posted at the court-house door of Oldham county, and at

Question of sale of stock to be submitted to stockholders.

County judge to order election.

1872.

Where elec-
tion shall be
held.

Duty of officers
of election.

If vote is fa-
vorable, stock
shall be sold at
auction.

three other public places near where the said road runs. For the purpose of conducting said election, the county judge of Oldham county shall appoint two persons disinterested to act as judges, and a clerk, and shall require the attendance of the sheriff; the election shall be held at Ballardsville, in Oldham county, and between the hours of 9 o'clock, A. M., and 3 P. M.; and for taking the sense of the stockholders of said company, a poll-book shall be prepared, with two columns, one headed "For sale of Stock," and one column headed "Against the sale of Stock."

It shall be the duty of the clerk and judges of said election to certify and deliver the poll-book to the sheriff, whose duty it shall be to deliver the same to the county judge, who, together with the county clerk, shall examine the same, and keep the same on file in the clerk's office.

If those persons representing a majority of the stock in said turnpike road company vote for the sale of the same, the stock of said road may be sold at public outcry, or privately, if deemed best for those in interest, by notice first being given of the time and place of sale at least ten days prior to the day of sale; and the now president of said road is, by this act, authorized and empowered to make all the proper and necessary assignments in order to carry out the object of this act; and his acts done under and by virtue of this act are, to all intents and purposes, valid and binding.

§ 2. That the stockholders, and all persons living along the line of said road, are, by this act, compelled to work on said road to keep it in proper repair.

§ 3. This act to be in force from its passage.

Approved February 17, 1872.

CHAPTER 302.

AN ACT for the benefit of the sureties of J. C. Calhoun, late sheriff of McCracken county.

WHEREAS, The late James G. Edens, A. S. Jones, and John W. Sanner became sureties on the official bond of J. C. Calhoun, late sheriff of McCracken county, Kentucky, for the collection and disbursement of the revenue due from said county to the State for the year 1870; and whereas, also, by reason of said Calhoun's failure to pay into the State Treasury the amount, so due from said county as revenue for said year 1870, the State entered up judgment against said Calhoun and his said sureties for \$8,739 41 principal, with interest thereon at the rate of six per cent. from June 1st, 1870, until paid, and the further sum of \$1,747 88 damages arising thereon, with \$3 10 cost, making a total of \$10,490 39; for which sum

1872.

execution issued against said Calhoun's sureties, and was levied on the property of said Edens prior to his death; and whereas, it has been represented to this Legislature that the sale of said property so levied on under said execution would certainly result in great loss, and inflict irreparable damage upon the widow and heirs of said Edens without, perhaps, fully paying said debt so due as aforesaid to the State; now, therefore, the more fully and certainly to secure the payment of said debt so due to the State, and to avoid, as far as may be, loss, the sacrifice of said property, and injury likely to result to said widow and heirs from a forced sale of same,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the execution against said Calhoun and securities in favor of the State of Kentucky, so far as the same is to be levied and satisfied out of the estate of the late J. G. Edens, deceased, be by the Auditor of State held up for the present; and that W. G. Blount, executor of said Edens, be given and allowed the further time of two years in which to make sale of said property (it being wholly real estate), and to pay said debt so due from his testator to the State of Kentucky: *Provided, however,* That the State shall in no event lose her present and existing lien on said property.

§ 2. That when the principal of said debt, together with interest thereon at six per cent. per annum, from June 1st, 1870, and cost of suit, shall be paid in full to the Auditor of State, or his authorized agent, that the damages arising upon the same be, and they are hereby, released. The same time and benefits hereby given to the estate and representative of said Edens shall be extended and given to the other sureties, or their representatives, of said Calhoun, named in said execution. But this act shall take effect when, and not until, the said sureties, or their personal representatives, shall, in writing, before the county court of McCracken county, to be filed with the clerk and entered of record in the order-book of the county court, consent to the extension allowed by this act, a copy of which written consent shall be forwarded by the clerk to the Auditor of Public Accounts.

§ 3. That this act shall take effect from its passage.

Approved February 21, 1872.

1872.

CHAPTER 303.

AN ACT for the benefit of Benjamin Goodin, R. P. Gresham, and Geo. W. Roberts, of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for Benjamin Goodin, R. P. Gresham, and George W. Roberts, to construct, use, and operate railways from their coal mines, in Rockcastle county, across the Wilderness Turnpike Road, to intersect the Louisville and Nashville Railroad: *Provided, however,* That such railways and coal chutes shall be so constructed as not to interfere with the travel on said Wilderness Turnpike Road. That all lands over which said road shall be constructed and operated shall be condemned in the manner now provided by law.

§ 2. This act to take effect from and after its passage.

Approved February 21, 1872.

CHAPTER 304.

AN ACT to amend the charter of the Cornwall Candle Factory, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of F. M. Lowry be substituted for that of John Cornwall, among the corporators of said company.

§ 2. That the title of said company shall hereafter be "The Cornwall and Brother Candle Company."

§ 3. That said company be, and they are hereby, empowered to increase their capital stock to any sum, not to exceed one hundred and twenty-five thousand dollars.

§ 4. This act shall take effect and be in force from its passage.

Approved February 21, 1872.

CHAPTER 305.

AN ACT to legalize the acts of O. G. Moore, sheriff of Edmonson county, and authorize him to give bond.

WHEREAS, It is represented to this General Assembly that O. G. Moore, sheriff of Edmonson county, by mistake or oversight, failed to execute, on the first Monday in January, 1871, the obligation or bond as prescribed by the third section of article one, chapter ninety-one, of the Revised Statutes; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

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§ 1. That it shall be lawful for said sheriff to execute bond with security, in the Edmonson county court, which bond, when executed, shall have the same effect, and be as binding on him and his securities for all his official acts, as if the bond hereby authorized had been executed on the first Monday in January, 1871, and that all the official acts of said sheriff, done within the scope of the authority and powers conferred on sheriffs by law, are hereby legalized and made valid.

§ 2. That this act shall take effect and be in force from its passage.

Approved February 21, 1872.

CHAPTER 307.

AN ACT for the benefit of B. F. Ryal, jailer of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer for one hundred and two dollars and seventy-five cents, in favor of B. F. Ryal, to be paid out of any money in the Treasury not otherwise appropriated, for keeping a pauper lunatic named Martha Tobin.

§ 2. This act shall take effect from its passage.

Approved February 21, 1872.

CHAPTER 308.

AN ACT for the benefit of L. H. Oakley and W. H. Litton, of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of L. H. Oakley and W. H. Litton, of Laurel county, for the sum of thirty dollars, being the balance on expenses incurred in taking Campbell Moore to the Lunatic Asylum at Lexington, Kentucky, by order of the Laurel circuit court. The same to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Approved February 21, 1872.

1872.

CHAPTER 309.

AN ACT to repeal the charter of the town of Walton, Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to incorporate the town of Walton, in Boone county," approved February 18, 1870, be, and the same is now, repealed.

Approved February 21, 1872.

CHAPTER 310.

AN ACT for the benefit of P. G. Lawson, of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Hines, trustee of the jury fund for Warren county, be, and he is hereby, authorized to refund to P. G. Lawson the sum of thirty-six dollars and forty-four cents, the amount paid by said Lawson on an execution against him for a fine, which fine, except costs, was remitted by the Governor of this State; and said J. D. Hines shall have a credit on his account as trustee of the jury fund for said county.

§ 2. This act shall be in force from its passage.

Approved February 21, 1872.

CHAPTER 311.

AN ACT for the benefit of Iven W. Bowman, late deputy sheriff of Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Iven W. Bowman, late deputy sheriff of Bracken county, be, and he is hereby, authorized and empowered, for one year from and after the passage of this act, to distrain for unpaid fee bills, and State and county taxes, in said county, subject to all the liabilities and penalties now prescribed by law for illegal distraints and levies.

§ 2. That this act shall take effect from and after its passage.

Approved February 21, 1872.

CHAPTER 312.

1872.

AN ACT to incorporate the Western Tobacco Bank and Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. V. Loving, Andrew Graham, John C. Walker, Robert Dunlop, jr., Jos. D. Allen, R. B. Caldwell, Robert L. Boyd, J. W. Edwards, Thomas B. Overton, Peter Schanzenbacher, George W. Wicks, David Musselman, and J. C. DeMoss, of the city of Louisville; James S. Coleman, James A. Thomas, W. C. Chapman, H. D. McHenry, and Isaac Mendel, of Ohio county; Willis B. Machen, of Lyon county; Lewis Potter and A. H. Smith, of Warren county; Robert Browder, of Logan county; Henry Griffith, Isaac Calhoun, and John W. Johnson, of McLean county; S. A. Jackson and John Kittinger, of Muhlenburg county; A. B. Skillman, R. R. Pierce, Alf. Allen, Nathaniel Hensley, and Dr. G. W. White, of Breckinridge county; R. D. Salmon, of Simpson county; J. R. Schooling, of Metcalfe county; T. H. Mustain, J. P. Rowlett, H. C. Rawlings, and W. B. Crandock, of Hart county; J. Howard Todd, of Owen county; W. L. Conklin, Lafayette Green, and J. M. White, of Grayson county; F. H. Overton and D. Robards, of Henderson county; W. J. Pace and D. R. Haggard, of Cumberland county; A. H. Cunningham, A. M. Brown, and J. R. Gaither, of Hardin county; Thomas E. Puckett, Wm. Evans, and Julian Phelps, of Butler county; John J. Gatewood, of Allen county; L. J. Bradford, of Bracken county; Harrison Taylor, of Mason county; O. C. Richardson, James Farleigh, and W. A. Allen, of Meade county; B. Magoffin, of Mercer county; James W. Snyder and George W. McAdams, of Hancock county; W. J. Davie and Walter Evans, of Christian county; George W. Williams, Clinton Griffith, and James Stuart, of Daviess county; John S. Barlow, of Barren county; Thomas Corbett, of Ballard county; John T. Gray, of Franklin county; and H. Rothert, of Indiana, and those that they may associate with them, and their successors and assigns, shall be, and they are hereby, created a body-politic and corporate, by the name of the "Western Tobacco Bank and Warehouse Company," with power in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatsoever as a natural person; and it may have a common seal, and may change and renew the same at pleasure.

Corporators' names, and corporate style.

§ 2. The corporation hereby created shall have power to purchase and hold, in fee or by lease, a lot or lots of

Corporate powers.

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land in the city of Louisville, upon which to erect a large and convenient tobacco warehouse, and such other lots or parcels of land as they may require for their business.

§ 3. It shall be lawful for said corporation to build in said city of Louisville, a tobacco warehouse, and to keep and carry on the same for selling and storing tobacco, and to erect storehouses and other buildings necessary for the transaction of their business.

§ 4. It shall be lawful for said corporation to loan money, discount promissory notes, buy and sell exchange, stocks, bonds, and other mercantile securities; and the promissory notes made negotiable and payable at their general office, or the principal place of business of said corporation, or at the office of any of the incorporated banks or branches of this State, and inland bills which may be discounted or purchased, prior to maturity, by said corporation, shall be, and are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly or severally, against the makers, drawers, and indorsers thereto and thereon.

§ 5. Said corporation shall have power to make advances on approved securities, and upon the agricultural and other products of the country. It may receive bonds, stocks, produce, and merchandise; and may also receive on security, for money loaned or debts owing, United States bonds, vouchers, or certificates, or the bonds of the State of Kentucky, choses in action, and sell the same as provided and authorized by an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871. It may receive deposits of gold, silver, bank notes, United States Treasury notes, and other currency, and pay the same in kind, or as may be agreed by general or special contract, and may allow interest on deposits at agreed rates.

§ 6. Said corporation may issue letters of credit, payable throughout the United States, Canada, Europe, and other foreign countries, for the convenience of commerce and travel.

§ 7. Said corporation may borrow money, and may secure the same by mortgage on its real estate, and on such time as the president and directors, or a quorum thereof, may deem expedient.

Capital stock. § 8. The capital stock of said corporation shall be one million dollars (\$1,000,000), and shall be divided into shares of one hundred dollars (\$100) each. The stock of this corporation shall be personal property, and transferable on the books of the corporation according to its by-laws; but no certificate of stock shall be issued except for stock actually subscribed for on the books of the company, and actually paid in. Each share of said capital

stock shall entitle the holder to one vote at all elections of directors, and all meetings of stockholders.

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§ 9. The said persons named in the first section of this act shall act as commissioners to receive subscriptions of stock, and shall fix the time and manner of paying in the same; and when not less than one hundred thousand dollars shall have been subscribed, and fifty thousand dollars paid in, on account of subscriptions to said capital stock, the said corporation may be organized and proceed to business.

May open books and receive subscriptions of stock.

§ 10. The stockholders shall elect thirteen directors of said corporation from among the stockholders; and the directors, when elected, shall hold regular meetings, at such times as may be fixed by the by-laws. At the first meeting of the directors they shall elect a president, vice president, and a cashier, and an assistant cashier; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors.

Election of officers — when and how held.

§ 11. The president and directors shall provide by the by-laws for the election by the stockholders of the president and directors on the first Tuesday in July of each succeeding year; and the president and directors shall always hold their office for one year, and until their successors are duly elected and qualified.

Term of office.

§ 12. The president and directors shall, from time to time, make all necessary by-laws, rules and regulations, and alter and amend the same, not in contravention of the Constitution and laws of this Commonwealth, or the Constitution and laws of the United States, for the government of the corporation and the conduct of its business, and prescribe the number of directors necessary to make a quorum for the transaction of business; and shall provide for administering oaths and taking bonds from its officers and employes to secure the faithful discharge of their duties.

May make by laws, rules & regulations.

§ 13. The corporation hereby created is empowered to loan money, according to, and in pursuance of, the provisions of an act, entitled "An act to amend chapter 53 of the Revised Statutes, title 'Interest and Usury,'" approved March 14, 1871.

§ 14. This corporation shall continue twenty years from the passage of this act: *Provided*, It is organized in one year from the passage of this act; and if not organized in that time, this act is to be void.

§ 15. The stockholders in this corporation are not liable, in any event, or in any way whatever, except to the extent of their shares of the capital stock.

§ 16. The tobacco warehouse to be conducted by this corporation shall, in all respects, be subject to the general

1872. laws of this State regulating tobacco warehouses in the city of Louisville.

§ 17. The voting under section ten of this act may be done in person or by proxy; and a majority of the stockholders so voting shall be good and valid for all legal purposes.

§ 18. On the first day of January in each year the president or cashier shall pay into the Treasury of the State fifty cents on each one hundred dollars of stock for the benefit of the revenue proper.

§ 19. It shall not be lawful for said bank to issue any note or bill to be passed or used as money or currency.

§ 20. The General Assembly of Kentucky shall have the right to examine the affairs of said corporation, by any committee or individual they may appoint for that purpose; and the right is hereby reserved by the General Assembly to alter, amend, or repeal this charter at pleasure.

§ 21. Books may be opened for subscription of stock in each of the counties named as the residence of corporations, and shall be kept open for at least thirty days, after notice having been given two successive weeks, in such newspapers as have a general circulation in such county or counties.

Officers to make report. § 22. The officers of said corporation shall, on or before the 10th day of January in each year, make a full statement, under oath, of the business operation of said Western Tobacco Bank and Warehouse Company, showing in detail the amount they have advanced on tobacco and other crops or property the previous year; the amount of bona fide cash capital paid in; the amount of property owned, and in what it consists; and their indebtedness, and for what created, giving a full and fair exhibit of their financial condition, and file the same with the Auditor of State.

Penalty for dishonest conduct of officers.

§ 23. If any cashier, clerk, teller, or other officer, agent, or servant of this corporation, shall appropriate any of the funds of said corporation to his own use, or shall willfully make false entries, or fail to make correct entries, on the books of said corporation, with intent to defraud the corporation or other person, such cashier, clerk, teller, or other officer, or agent, or servant shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary of this Commonwealth for a period not less than two nor more than ten years.

§ 24. The indebtedness of this corporation, over and above that incurred for deposits in money, shall at no time exceed their paid up capital stock.

Comp: ny to (see) to. 2000 insured.

§ 25. Said corporation shall have insured, in some responsible insurance company or companies, all tobacco or other products upon which it has made advances, at least to the amount of said advances.

§ 26. If at any time this corporation shall determine to increase its capital stock as herein provided, such increase shall be subscribed for on the books of said company, shall be actually paid in, and certificate issued therefor, under the same rules and regulations, and in the same manner, as the original stock is subscribed for and taken; and no stock for said corporation shall be issued or placed upon the market by the corporation except where the same had been subscribed on the books of the company and actually paid in.

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May increase capital stock.

§ 27. This act to take effect from and after its passage.

[This act became a law by reason of the failure of the Governor to return the same within the constitutional period.]

CHAPTER 313.

AN ACT to incorporate the Market Street Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Bull, John M. Harlan, H. Verhoff, jr., C. O. Smith, R. E. Miles, J. C. Metcalfe, Jordon Giles, C. Merke, H. B. Grant, and Alanson Moreman, and their associates, be, and are hereby, created a corporation and body politic, by the name and style of the "Market Street Bank of Louisville;" and by that name may sue and be sued, contract and be contracted with; have a seal, and change it at pleasure.

Corporators' names.

Corporate style.

§ 2. The capital stock of said corporation shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

§ 3. Any three of the corporators named in this act may, at such times and places as suits their convenience, receive subscriptions to the capital stock, and when one thousand or more shares have been subscribed and paid in, or secured to be paid in, may organize and proceed to business. Said corporators, or a majority of them, shall constitute the first board of directors, with power to fill original or other vacancies therein.

May open books & receive subscriptions of stock.

§ 4. An annual meeting for the election of directors, to serve one year, and until their successors are duly elected and qualified, shall be held at its banking house on the second Monday in January of each year, and between the hours of ten o'clock, A. M., and one P. M., under the direction of three stockholders, who shall have been appointed by the directors for that purpose. At the election the qualified stockholders receiving the highest number of votes shall be declared duly elected directors; each stockholder to have one vote for each share of stock he or she may own, and may cast the same in person or by proxy. The same

Election of officers—when and how held.

1872.

rule shall apply to all questions submitted to the stockholders. At the annual meeting the directors shall submit a statement of the condition of the bank. Should an election for directors fail to be held on the day herein designated, the corporation shall not, from that cause, be dissolved; but any election held after notice having been published in one or more of the Louisville papers, at least ten days prior to such election, as provided for in the by-laws, shall be deemed valid and so held. No stockholder, whose obligation is due and unpaid, shall vote at any meeting held by the stockholders, nor be eligible for election as a director. A general meeting of the stockholders may be called, at any time, by the board of directors, and shall be called by the cashier, when thereunto requested, in writing, by stockholders representing three hundred shares of stock.

Directors to
appoint officers

Qualifications
of officers.

§ 5. The board of directors shall consist of not less than seven nor more than thirteen stockholders, at least two thirds of whom shall be citizens of the State of Kentucky. Each director shall be the owner of at least ten shares of the capital stock. The board shall elect one of its number president and one vice president. It shall also elect a cashier and such other officers, clerks, agents, or servants, as it may deem necessary, fix their salaries, and prescribe their duties. All the officers, etc., of the corporation, shall hold their office, or other position, during the pleasure of the board, and shall give bond for their fidelity and good conduct. The directors, and all officers of the corporation, before entering upon the duties of their respective office, shall take an oath, or solemn affirmation, before some officer authorized to administer oaths, faithfully, honestly, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws and regulations of the corporation. The directors shall hold meetings at least once a week, and shall keep a record of their proceedings. They shall have power to make and change by-laws and rules for the government of the affairs of the corporation. The board may declare vacant the place of any director for gross neglect of duty, for failing to attend its weekly meetings for eight consecutive times, or for a violation of the provisions of this act, or any rule or by-law of the bank. Vacancies in the board may be filled by those remaining in office.

Penalty for
misconduct of
officers.

§ 6. If any director, officer, agent, clerk, or servant of this corporation, shall appropriate any of its funds to his own use, or shall willfully fail to make correct entries, or knowingly make a false entry on the books of the corporation, with an intent to cheat or defraud said corporation,

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or any other corporation or person, or to conceal an improper appropriation of funds, or shall convert to his own use any property, funds, money, or securities of said bank or any other corporation or person in possession of said bank, shall be deemed guilty of felony, and upon conviction thereof, shall be confined in the penitentiary or jails of this Commonwealth for a period of not less than one nor more than ten (10) years, and shall be liable to said corporation or party injured in a civil action for damages.

§ 7. If any subscriber to the capital stock shall fail to pay his, her, or their calls, for twenty days after the same is due, interest at a rate not exceeding ten per centum shall be charged thereon from the date the same was due, and until paid; and the same, with the interest, may be recovered by suit in any court having jurisdiction thereof.

Stockholder failing to pay for stock may be coerced.

§ 8. Minors and married women may make deposits, own stock in said bank, and hold the same, unless restrained by some legal tribunal.

Minors and married women may take stock.

§ 9. The business of the bank shall be to receive on deposit gold, silver, or other coin, bank or United States notes, and other currency, and loan out the same; to deal in gold, silver, and other coin, bullion, notes, stocks, bonds, bills of exchange, or other securities of this or any other State, government, corporation, or individual, or any other evidence of debt; to receive promissory notes by assignment as security for money loaned; discount and purchase promissory notes and bills of exchange. All bills of exchange and promissory notes made payable at said bank or any other place, discounted by or sold to it, shall be placed upon the footing of foreign bills of exchange, and remedy be had, jointly and severally, against the principals, securities, drawers, acceptors, and indorsers, or any one or more of them; but said bank in loaning money, by discount or otherwise, directly or indirectly, shall do so in accordance with the provisions of an act, entitled "An act to amend chapter 53 of Revised Statutes, title 'Interest and Usury,'" approved March 14th, 1871. Savings deposits shall be paid to each depositor at such times, with such interest, as may be agreed upon between the parties. The bank may issue certificates and letters of credit or deposit, payable throughout the United States or elsewhere, for the convenience of merchants, travelers, and others.

Business of bank.

§ 10. Said Market Street Bank shall have power to make advances on approved securities; upon the agricultural, mechanical, or other products of the country, merchandise, or personal property. It may receive United States vouchers, warehouse receipts, bills of lading, bonds, stocks, notes, produce, and merchandise in pledge for the

1872. security of money loaned, debts owing, or liabilities that may become due to said bank, and sell the same as provided in an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871.

May construct
and own eleva-
tors, &c.

§ 11. Said corporation may construct, purchase, or lease such elevator, safes, or warehouses, or may store in the warehouses of other parties, they first giving such bond as the directors of said corporation may require, as may be convenient, for storing the agricultural, mechanical, or other products of the country, merchandise or other property that may be pledged to said corporation, upon which advances have been made, or which may have been left with said bank for safe-keeping; for storing and handling such products, merchandise, or other property, said bank may charge a reasonable compensation, and may have all or any part of such articles it may have on storage insured in reliable and solvent insurance companies, and may charge the market rates for such insurance; and shall have a lien, subject to any prior lien that may exist of record, on all such articles to secure the payment of any advances, charges, or other claim on said articles.

Mistake in
name not to
vitate deed,
gift, &c.

§ 12. A misnomer of the corporation, in any deed, gift, or other instrument, shall not vitiate the same, if the corporation be sufficiently described therein to ascertain the intention of the parties.

President
to pay tax to
State.

§ 13. It shall be the duty of the president, on the first day of January in each year, to pay into the Treasury fifty cents on each one hundred (100) dollars' worth of stock subscribed, to be a part of the revenue proper of the State, which shall be in full of all taxes or bonus.

Shall not issue
notes.

§ 14. It shall not be lawful for said bank to issue any notes or bills to be passed and used as money.

§ 15. The General Assembly shall have power to examine, by any committee they may think proper, the affairs of said bank.

§ 16. This act shall take effect from its passage, and remain in force for twenty years from the time of its approval; but the General Assembly reserves the right to amend, modify, or repeal the same at pleasure.

May increase
capital stock.

§ 17. If at any time this corporation shall determine to increase its capital stock as herein provided, such increase shall be subscribed for on the books of said company, shall be actually paid up, and certificate issued therefor, under the same rules and regulations, and in the same manner, as the original stock is subscribed for and taken; and no stock of said corporation shall be issued or placed upon the market by the corporation, except where the

same had been subscribed on the books of the company and actually paid in. 1872.

[This act became a law by reason of the failure of the Governor to return the same within the constitutional period.]

CHAPTER 314.

AN ACT to amend and reduce into one all the acts in regard to the town of Columbia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the limits of the town of Columbia shall extend one half mile in every direction from the court-house thereof. Boundary.

§ 2. That the prudential, fiscal, and municipal concerns of said town shall be vested in seven trustees, who shall be elected annually on the second Saturday in May, by the legally qualified male inhabitants over twenty-one years of age, who shall have been bona fide residents in said town six months next preceding such election; said trustees, when elected, shall hold their office for the term of one year, and until their successors are elected and duly qualified. No person shall be eligible to the office of a trustee who is not a white citizen of the town, and a qualified elector of this Commonwealth, and authorized to vote for trustees under this act, and who has been a bona fide resident of said town for at least twelve months next preceding his election. Every trustee, before he enters upon the duties of his office, shall take, in addition to the oath prescribed by the Constitution, an oath before some judge or justice of the peace that he will faithfully, and without affection or partiality to any one, discharge the duties of trustee to said town during his continuance in office. Trustees—
when elected, &
their term of
office.

§ 3. That said trustees shall proceed, after their qualification, to elect one of their number chairman, who shall preside at their meetings, and have power to convene the board when, in his opinion, the interest of the town demands it. It shall be his duty to see that all the ordinances and by-laws of said town are duly executed and put in force. Election of
president of
board of trustees.

§ 4. That said trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of Columbia;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places, and do all acts, matters, and things, Corporate
name and cor-
porate style.

1872. which a body-politic or corporate, having perpetual succession, can lawfully and rightfully do.

May make by-laws, rules and regulations.

Additional powers.

§ 5. That said trustees, or a majority of them, shall have power to make and receive all necessary conveyances in relation to said town; and may make such rules and regulations for the government of said town, not inconsistent with the laws and Constitution, as they may deem necessary and proper; they shall have power over the streets, alleys, and sidewalks of said town, or which may hereafter be opened, and may direct the improvement of the same in such manner as they may deem most beneficial to the interest of said town; they may fill vacancies in their board until the next stated election; they may levy an annual tax on the males over twenty-one years of age residing in said town, not exceeding three dollars upon the head; and may levy and collect an ad valorem tax upon all the property in said town of not exceeding fifty cents on the hundred dollars; they shall have power to tax auction sales, shows, exhibitions, theatrical performances for money or profit, and bowling-alleys within said town, such sum as they, by their by-laws, may declare; they shall have the power to license, regulate, and suppress all tippling houses, and suppress the sale of any spirituous, malt, or vinous liquors, or a mixture thereof, by any and all persons, and to fine all those who may violate their by-laws any sum not exceeding twenty dollars for each offense, except that for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, keeping tippling-houses, and selling spirituous, vinous, or malt liquors, they may fine any sum not exceeding one hundred dollars, and for keeping a tippling-house for three months, three hundred dollars. The proceedings to enforce such fines and penalties shall be in the name of the Commonwealth of Kentucky, for the use of the trustees of the town of Columbia, before the police judge of said town, or before any justice of the peace of Adair county; they shall have power to declare what are nuisances, and remove the same; they shall have power to organize a fire company, defining their duties, and punishing, by fine, those who shall fail to perform the duties required of them; they shall have power to inflict a fine, not exceeding one dollar, for the failure of any member to attend the meeting of the board; and for good cause (two thirds of the trustees concurring) may remove a member; they shall have full power to pass all by-laws and ordinances necessary for carrying into effect all the powers herein granted, and executing all the provisions of this charter; they may appoint annually a clerk, town attorney, assessor, collector, and treasurer, and take from the two latter bond and good security for the faithful performance

of their duties; and for a violation of the same on the part of either of said officers, suits may be brought, and motions made, before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations, that suits are brought and motions made against other officers for a failure of duty; said officers to hold their offices until their successors are appointed and qualified; a majority of the trustees may constitute a board to do business. 1872.

§ 6. The board of trustees shall keep a journal of their proceedings, which, or attested copies of which, from the proper custodian thereof, shall be received as evidence in any of the courts of this State; at the request of a member the ayes and noes on any question shall be recorded; no ordinance shall be passed appropriating money, assessing a tax or fine, or of a penal nature, without the ayes and noes being called and recorded; at the next meeting the proceedings shall be read and signed by the member who presided at the last preceding meeting; if he is not present, by the person presiding when they are read; no member shall vote on a subject in which he has a private interest; upon the refusal of the chairman, any two members may call a meeting; they shall keep an account of all moneys levied, collected, and disbursed, and keep an accurate account thereof for what object each sum is disbursed; their books shall, at all times, be open to the inspection of the citizens of the town.

§ 7. They shall once in each year give a full and fair statement in writing, signed by the chairman, of all sums collected, and all sums disbursed the preceding year, and what for, and of all debts due them or owing by them, which shall be posted up for inspection at three of the most public places in said town. To make
report annual-
ly.

§ 8. No stallion or jackass shall stand or be let to mares within the bounds of said town, without first being authorized so to do by a license from the trustees thereof, and for which they shall pay not less than twenty-five nor exceeding two hundred dollars, designating the place at which he is to stand; but such license shall not permit him to stand at any place now prohibited by law. For a violation of this section, the keeper and owner of such animal, and any and all other persons engaged therein, directly or indirectly, shall be jointly and severally liable to a fine of five dollars for each offense, to be recovered by warrant in behalf the trustees of the town, or by indictment before the grand jury. Shall license
all stallions,
&c.

§ 9. All fines collected for a violation of the by-laws, ordinances, rules and regulations of the town; all fines recovered in any court for violations of this act for offenses committed within the boundary of said town, shall, when Fines and forfeitures to be
paid into town
treasury.

1872. collected, be paid to the treasurer of the town, and shall form part of the revenue of the town, and may be applied as revenue derived from the general tax within said town.

To have control of streets, alleys, &c.

§ 10. The board of trustees may establish, lay out, and extend the streets and alleys within the town limits, and shall have power to contract with the owners of land for such extension, and pay such price as may be agreed on; and in case no agreement can be made, they may proceed to condemn the same under the rules and regulations prescribed for the condemnation of land for turnpike and plank roads.

May license taverns, &c.

§ 11. The board of trustees shall have a right to tax, and the exclusive right to license, all taverns and houses of private entertainment within said town; but no license shall be granted whereby spirituous, vinous, or malt liquors may be retailed, except to tavern-keepers, upon the payment of a tax to be fixed by the board of trustees, of not less than two hundred and fifty and not more than one thousand dollars per year. The privilege to sell spirituous, malt, fermented, or other intoxicating liquors, shall not be implied in any license; but the said board of trustees may, if they deem it expedient, grant such privilege, and if they do grant it, they shall specify the same in license; but they shall not authorize the sale of such liquors in any house except the one in which the tavern is kept.

Term of license

§ 12. That no license to keep a tavern, or to vend ardent spirits in said town, shall extend for a longer or shorter period than one year from the date of the grant. The order granting the license shall state to whom the same is granted, and the place where the tavern is to be kept, and the period for which the license is granted. The board of trustees shall not grant a license to any person to keep a tavern who shall be of bad character, or who does not keep an orderly house; nor unless the board of trustees shall be satisfied that the applicant is prepared with houses, stabling, bedding, and provender, to keep an orderly, law-abiding tavern, and that he is a man of good character. The board shall also be satisfied that the keeping of a tavern at the place proposed is necessary to the accommodation of the public. No tavern license shall be granted to any person until he shall take an oath, in the form of an affidavit, before the board of trustees, which shall be kept as a part of the records of said board, that he intends in good faith to keep a tavern for the accommodation of the public; that the application is not made to keep a grogshop under tavern license; that he will keep an orderly house; will not sell, give, or loan any spirituous or vinous liquors to any person who is at the time acting in a disorderly way, or who is intoxicated; that he will not sell such liquors to any minor, and that he will not violate the laws

of this Commonwealth, or the provisions of this act, in regard to the sale of ardent spirits: *Provided*, That no person shall keep a tavern in said town without having first obtained a license so to do from said board of trustees, as hereinbefore provided.

1872.

§ 13. Every person who shall obtain a license to keep a tavern shall, at the time the same is granted, enter into an obligation before the board of trustees to the Commonwealth, as required by section five of article one, of chapter ninety-nine, of the Revised Statutes of Kentucky, and the amendments thereto, and pay the taxes required by law and the board of trustees.

Tavern-keepers to give bond.

§ 14. The board of trustees shall have power to require all persons within the corporate limits of said town, engaged in selling spirituous, vinous, or malt liquors, by license or otherwise, to close their doors, and not to sell, loan, barter, give away, or permit to be drunk, any spirituous, vinous, or malt liquors, or the mixture of either, on any election day, or any other public day or occasion when, in the judgment of the board of trustees, the peace, quiet, or good order of the town may require it, and also on the Sabbath day; and they are hereby authorized to make such rules and regulations by by-laws as will be necessary, in their judgment, to enforce their orders; they may authorize the marshal of the town, or any peace officer, to enter any house or place where they have reasonable grounds to believe there is liquor being sold, drunk, or otherwise disposed of, and take possession of the same; and make such other rules and by-laws as will enforce the order; may impose a fine and imprisonment, or either, the fine not to exceed twenty dollars, nor the imprisonment ten days; and, in addition to such penalty, the person found guilty shall forfeit his or her license, and shall not again have a license for two years.

May close such houses on election days & Sabbath days.

§ 15. The trustees have full power and authority to compel the owners of lots and part of lots to grade, curb, and pave a footwalk in front of their lots, not exceeding ten feet wide, with good brick, rock, or plank, in accordance with the directions of the trustees, or cause the owners of lots, or parts of lots, to grade, curb, and gravel a footwalk in front of their respective lot or lots, or parts of lots. They may require some portion to be done in one manner, and others in another, as they may deem proper. They may require the pavements and sidewalks to be repaired, from time to time, as they may deem necessary; and may, in such repairing, require a different material to be used from that of which the pavement or sidewalk is made. Where the trustees shall deem proper to order pavements or sidewalks made, or repairs thereto, reasonable notice shall be given to the owners to make

May order streets & alleys improved.

1872.

Notice to be
given to prop-
erty-holders.

Penalty for
failing to com-
ply with order.

such pavement, sidewalk, or improvement. The notice shall be signed by the chairman of the board of trustees, and shall specify the time within which such improvement shall be commenced and finished. Twenty days within which to commence the work shall be deemed reasonable. If the owner of lot or lots, or parts of lots, shall fail or refuse to begin such pavement, footwalk, or repairs, within the time prescribed, or having commenced, shall fail to complete the same within the time prescribed, the trustees may cause the same to be made or repaired at the cost and expense of the owner or owners of the lots or fraction of lots, and shall have a lien on such lot, lots, or fractions of lots for said cost and expense, which cost and expense shall be listed and collected as taxes by the town collector, or by any special collector, either of whom shall have power to sell and convey the lots and parts of lots for the same, according to such by-laws and regulations as the trustees may prescribe; all sales being at or near the premises, after having been advertised as required by law in sales of real estate under execution. Any statement made by any collector in any bond or deed, selling or conveying property sold for the payment of any of the taxes hereby imposed, or imposed by any part of this act, shall be *prima facie* evidence of the truth of the facts stated to have been done; but such statements may be contradicted: *Provided further*, That the owners of lots sold for the cost and expense of such improvements as aforesaid, who have not consented, in writing, for that purpose, shall be allowed three years in which to redeem the same, by paying to the purchaser of said lot, lots, or part of lots so sold as aforesaid, the purchase money, with twenty (20) per cent. interest per annum, and all taxes and levies that may have subsequently accrued and been paid by the purchaser, and twenty per cent. thereon; and those who have consented in writing may redeem, at any time within one year, on like terms: *Provided further*, That infants, *feme covert*s, and persons of unsound mind, shall have one year in which to redeem, on like terms, after their disabilities shall be removed, not exceeding, however, twenty one years from the date of sale. In the collection of any tax imposed by this act, the town may become the purchaser at any sale made for the purpose of collecting any tax, through any person authorized to bid by the trustees, the owner of lot, lots, or parts of lots to have the same rights of redemption as heretofore.

May force citi-
zens to work
streets, &c.

§ 16. The trustees of the town of Columbia shall have power over the streets and alleys of the town, and may cause the same to be graded, graveled, or macadamized, the necessary expense arising from such improvements to be paid out of the town treasury; they also have the right

to force the citizens living on any of the streets or alleys to work the same, or cause it to be done: *Provided, however,* That no citizen shall be forced to work more than two streets or alleys which may bound his premises, or the premises of which he is the tenant, and not more than six days upon either street during one year.

1872.

§ 17. That said trustees, two thirds concurring, shall have power and authority to suspend, either indefinitely or for a fixed time, any license which they may grant, or which may have been granted to a tavern-keeper, whenever they shall be satisfied said tavern-keeper has permitted any unlawful gaming in his house, or has permitted any person or persons to tipple or drink to intoxication in his house, or has violated any law of this State or ordinance of the board of trustees in regard to the sale of spirituous, malt, or vinous liquors, or taverns, tippling-houses, &c.: *Provided, however,* That no license shall be suspended until the said tavern-keeper shall have had at least five days' previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person, whose license has been suspended by said board of trustees, shall afterwards sell, by retail, any spirituous liquor or wine during such suspension, he shall be deemed guilty of keeping a tippling-house.

May suspend license of tavern-keeper allowing violations of law in his house.

§ 18. The trustees shall have power to repair and keep in order the public wells and springs of said town at the common expense. The title of the burying-ground is hereby vested in the trustees of said town, and they are authorized to control the same, and to make from time to time such appropriations as may be necessary to keep it in good repair. They may appoint annually some suitable person to keep said ground in repair, and allow him such compensation as may be necessary, to be paid out of the town treasury.

May keep in order wells, springs, and the cemetery of said town.

§ 19. That there is hereby established in the town of Columbia a police court, the officers of which shall be a judge and marshal, to be called the judge and marshal of the town of Columbia. That said officers shall be elected by the qualified voters residing within the limits of said town. The first election of said officers hereunder shall be on the first Monday in August, 1872, at the same place, and conducted by the officers that may be appointed to conduct the election of county officers. The police judge shall qualify and hold his office for the same time as the county judge, and the marshal for the same time as the sheriff. The regular election for said officers shall be held at the same time as that for the election of the officers aforesaid, and be conducted by the officers appointed to conduct the election of county officers.

Police judge and marshal—when elected a term of office.

1872. They shall reside within the limits of said town, and hold their offices therein. Contested elections shall be determined in the same way that contested elections for county judges are; and in case of a tie between two or more candidates, the officers who conduct the election shall choose between those having the highest equal vote by lot. Vacancies shall be filled by an election to be ordered by the board of trustees, who shall appoint the officers to conduct the election, of which ten days' notice shall be given: *Provided*, That if the vacancy of the police judge unexpired is less than two years, the trustees may appoint; and when the marshal's is less than one year, the trustees may appoint. The officers of the election shall give a certificate thereof to the persons elected. The Governor shall, upon information by certificate [of the officers] of the election, commission the judges, who shall, in the form of an affidavit, take the oath required by the Constitution, and also an oath of office, that he will discharge the duties of his office without favor or affection, and to the best of his ability according to law. The commission of the police judge, together with the affidavit, shall be filed in the county court clerk's office, and duly recorded, for which the clerk shall receive one dollar.

In case of vacancies trustees may appoint.

Marshal to take oath and give bond.

§ 20. The marshal of said court, before he enters upon the duties of his office, shall execute a covenant in the Adair county court, and before the board of trustees, with good security, to be approved by the court, payable to the Commonwealth of Kentucky, conditioned that he will faithfully discharge the duties of his office according to law; he shall take the oath required by law of a constable; any person aggrieved by the acts of said marshal may institute suit on said bond in any court having jurisdiction of the same; said bond shall be kept in the county court clerk's office as part of its records, and the clerk of said court shall be allowed the same fees as are allowed by law for taking bonds from, and administering oaths to, constables.

Jurisdiction of police judge.

§ 21. The police judge shall possess the qualifications of a justice of the peace, and shall have concurrent jurisdiction within the county of Adair of all matters, both civil and penal, of which justices of the peace have jurisdiction, with the same powers, privileges, and rights, and under the same rules and restrictions, and jurisdiction of all criminal matters within the said county concurrent with two justices of the peace. The marshal shall possess the same qualifications and rights, and exercise the same powers, as a constable, and his jurisdiction shall be co-extensive with the county; they shall severally be entitled to charge and receive the same fees as justices of the peace and constables are, or may hereafter be, entitled

to receive for like services ; and such fees may be collected in the same manner as other officers' fees. The marshal may be appointed by the board of trustees collector.

1872.

§ 22. Appeals shall be allowed from the judgments of said police court in the same manner as are allowed from those of justices of the peace. The said judge shall keep a faithful record of all his official acts in the same manner and mode as are now required by law of justices of the peace.

Appeals al-
lowed from po-
lice court.

§ 23. When said officers go out of office, they shall hand over to their successors all of their official records and papers, and may demand a receipt for the same : *Provided*, That the marshal shall have the same rights to wind up the business in his hands that is allowed by law to constables.

§ 24. The marshal shall execute the process of said court; but in case of urgency, or when he cannot be procured, the judge may direct the same to the sheriff or any constable, or to any private person, who shall execute the same.

Marshal to
execute pro-
cess.

§ 25. The said judge shall not enter upon the discharge of the duties of his office until he has been commissioned and qualified as herein directed, nor the marshal until he has executed the bond and taken the oaths required by this act.

§ 26. The police court and marshal shall be authorized to do any act specially authorized by this act, or by any general law, conferring the jurisdiction, powers, or duties, on police courts and marshals, in addition to the powers and duties hereinbefore named.

§ 27. That it shall be the duty of the town treasurer and clerk of the board of trustees to keep a record of the proceedings which properly belong to their respective offices ; and it shall be the duty of the treasurer to render an account to the trustees of all moneys received and paid out by him whenever by them required so to do.

Duties of
treasurer and
clerk.

§ 28. That no money shall be drawn from the treasury except by order of the chairman, in pursuance of allowances made by said board of trustees.

§ 29. The trustees shall cause all the by-laws and ordinances passed by them from time to time to be recorded in the journal of the proceedings, and post up a copy of the same on the door of the court-house and each of the taverns in said town.

§ 30. The jailer of Adair county is hereby authorized and required to receive and confine in the jail of the county such persons as may be ordered to be confined in jail in pursuance of the by-laws of the town.

1872.

Additional
jurisdiction of
police court.

§ 31. That the police judge of said town, in addition to the powers vested in him by the preceding sections of this act, shall have power, without the intervention of a jury, to hear and determine all cases arising in said town of any and all infractions of the criminal or penal laws of this State, or the ordinances and by-laws of said town, when the punishment thereof does not exceed a fine of thirty dollars or fifteen days in imprisonment, or both such fine and imprisonment: *Provided, however,* In all cases when the fine shall exceed sixteen dollars, or the punishment imprisonment, the accused, if he demand it, shall have the right of trial by jury.

§ 32. That all persons who shall be convicted of drunkenness in said town shall be fined any sum not exceeding five dollars for each offense; and upon failure to pay the said fine assessed and costs, shall stand committed to the jail of said county at the rate of two dollars per day till said fine and costs are paid; and upon information to said police judge, or on his own view, that any one has been guilty of the offense aforesaid, he shall issue his warrant for the apprehension of such person or persons, and forthwith proceed to trial, and if convicted, to enforce the penalty aforesaid.

Present officers
to hold office
until their
successors are
elected.

§ 33. That the present trustees of the town of Columbia, police judge, and marshal, shall hold their office until their successors are elected and qualify under this act.

§ 34. That all previous acts and parts of acts relating to the town of Columbia, inconsistent with this act, are repealed.

§ 35. That all the ordinances and by-laws of said town, in force at the time of the passage of this act, and not inconsistent with this act, and all rights of action, prosecutions, and claims and contracts of said town against individuals or corporations, and of individuals or corporations against said town, shall continue and be in force as if this act had not been passed.

Trustees to
appoint officers
of all elections
in said town.

§ 36. It shall be the duty of the said board of trustees to appoint two judges and a clerk to hold the election for trustees under this act; the marshal of said town shall act as sheriff in holding said election; said officers shall, in all respects, be governed by the laws of this State now in force in regard to elections, under the general laws of this Commonwealth; any vacancy in officers of the election under this act shall be filled as provided by law in such cases. It shall be the duty of said officers, on the day of the election, or within five days after the election, to compare the vote and give a certificate over their signatures of the result; the poll-book and certificate shall be filed with the clerk of the board of trustees, and he shall notify the persons elected of their election; said poll-book and cer-

Duties of officers
of election.

tificate shall be filed with said clerk and preserved by him. 1872.

§ 37. If said board of trustees shall fail to appoint the officers to hold the election for trustees under this act, it shall be the duty of the presiding judge of the Adair county court, at the next regular term of said court, to appoint the officers to hold the election of trustees under this act, and fix a day for said election, not more than twenty nor less than fifteen days from the making of said order, of which election the clerk of said court shall give notice for at least ten days next preceding said election, by advertisements posted in at least three public places in said town.

Upon failure to appoint said officers, county judges shall perform said duty.

§ 38. That nothing in this act shall be so construed as to divest the circuit court of jurisdiction of any and all offenses committed within said town.

§ 39. That said trustees may appropriate any money now in the hands of the clerk and treasurer of said town, not otherwise appropriated, and any that may be collected under this act, to the payment of any debts now owing by said town.

§ 40. This act shall be in force from and after its passage.

[This act became a law by reason of the failure of the Governor to return the same within the constitutional period.]

CHAPTER 315.

AN ACT to continue in force an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his securities," approved February 3, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his securities," approved February 3, 1871, be, and the same is hereby, continued in force until the first day of December, 1872.

§ 2. That this act shall take effect and be in force from its passage.

Approved February 24, 1872.

1872.

CHAPTER 317.

AN ACT to amend an act to incorporate the North Middletown Deposit Bank, approved March 15, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the second section of an act to incorporate the North Middletown Deposit Bank, approved March 15, 1869, be so amended that the annual election of directors shall take place on the first Wednesday of January.

§ 2. That so much of the fifth section thereof as limits the stock held by any individual to fifty shares be, and the same is hereby, repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 24, 1872.

CHAPTER 318.

AN ACT to amend an act, entitled "An act for the benefit of common school districts in Clinton county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act approved March 13th, 1871, be, and the same is hereby, amended as follows, viz : The trustees of each school district in said county shall report to the common school commissioner the names of each person, in their respective districts, who pay a poll-tax, at the time they report the children in 1872, and that the common school commissioner report the same to the sheriff of said county, with proper corrections, against the 15th day of September, and that these reports shall be made annually as long as the tax is levied.

§ 2. That the common school commissioner shall appoint a receiver for each district, who shall execute bond, with approved security, to be taken and approved by the common school commissioner of said county ; a trustee may be a receiver. The sheriff of said county shall pay to the receiver in each district the amount due the district, but not until the bond has been executed and approved.

§ 3. The levy of the poll-tax of one dollar and fifty cents on each poll, under the act approved March 13th, 1871, made by the court of claims for Clinton county, at its October term, 1871, be, and the same is, legalized, and made as binding as if made on the first Monday in May, 1871, as provided in said act ; the said levy to be collected in 1872.

§ 4. That it shall be the duty of the county court to condemn a lot or parcel of land, sufficient for a site for a school-house, not exceeding one acre, in the same or similar manner as lands are by law condemned for public highways, when a site cannot be procured at a reasonable price without such intervention of the court.

1872.

§ 5. Said school-houses shall be erected as near the centre of each district as may be.

§ 6. This act, and the act of which this is amendatory, shall not be construed to include negroes or mulattoes, but shall apply to white persons, who alone are entitled to the benefits of the same.

§ 7. This act shall take effect from and after its passage.

Approved February 24, 1872.

CHAPTER 319.

AN ACT to incorporate the Lexington Building and Accumulating Fund Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John B. Payne, W. B. Emmal, Henry B. Higgins, James H. Campbell, J. T. Slade, B. G. Thomas, John A. Prall, Chas. Schultze, Wm. Christee, Wm. Harting, John A. Geary, W. D. Bryant, H. W. Adams, Robert McMichael, and R. S. Bullock, be, and they are hereby, constituted a body-corporate, under the name and style of the Lexington Building and Accumulating Fund Association No. 1; and by that name may sue and be sued, implead and be impleaded; shall have succession; have a common seal, and alter or change the same at pleasure; may acquire and hold real and personal estate, and sell and convey the same, and shall possess such other powers as are consistent with the objects of the association.

Corporators' names.

Name and style.

§ 2. The officers of the association shall be a president, vice president, solicitor, secretary, assistant secretary, and treasurer, and nine (9) directors; and until the first general election of officers hereinafter provided for, John B. Payne shall be president; W. B. Emmal, vice president; Henry B. Higgins, solicitor; James H. Campbell, secretary; J. T. Slade, assistant secretary; G. Thomas, treasurer; and the other corporators above named shall be directors. In elections for officers and transaction of other business, each member present at the meeting shall be entitled to one vote: *Provided*, That women and infants, members of the association, may vote by proxy, married women and infants by their husbands and guar-

Officers of corporation.

1872. dians, other women by any member of the association selected by them, in writing, to act for them.

Capital stock. § 3. The capital stock of said association shall be four hundred thousand dollars, to be divided into shares of four hundred dollars each, and to be paid by the stockholders in weekly installments of one dollar each week, for each share of stock, until said installments, with their net accumulations, shall amount to said sum of four hundred dollars for each share, or, at the expiration of five years from the first election of officers, whether said shares have amounted to said sum or not, there shall be a distribution thereof to the stockholders, and a liquidation of its affairs; and after that its corporate powers and existence shall only continue to settle up its unsettled business and affairs.

May open books for subscription of stock. § 4. The corporators above named shall open books for the subscription of said stock, and may adopt, so far as it has progressed, the subscription already made in anticipation of this act; and whenever three hundred shares shall be subscribed, said association may go into operation. Other shares may subsequently be subscribed until the whole stock is taken, the subscribers thereto being required to pay the back installments, corresponding with those paid by the original subscribers, with interest at such rate, not exceeding ten per cent., as the association may prescribe in its by-laws: *Provided*, That no stockholder shall acquire or hold, at any time, more than ten shares of said stock. Said stock shall be transferable on the books of said association, as may be provided in its by-laws.

Objects of corporation. § 5. The object of said association being to enable its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital stock as paid in, and the accumulations thereof, only upon mortgages and liens upon real estate ample in amount to secure the same, preference being given in all cases to members of said association; and said loans shall be made at such rate of interest, not exceeding ten per cent., as may be agreed by the parties thereto, together with such premiums therefor as may be offered by the parties to whom the loans may be made.

Election of officers. § 6. As soon as practicable after the association is ready to go into operation as provided in section four of this act, the corporators shall call a meeting of the stockholders, giving reasonable notice of the time and place of such meeting, for the election of officers, who shall serve for one year, and until their successors are elected and enter upon the discharge of their respective duties. Annually thereafter, at such time as may be fixed by the by-laws, to be adopted by the stockholders, the officers shall be elect-

ed, and said stockholders shall have authority to pass and make any by-laws for the government of said corporation, not inconsistent with this charter or the laws of this State, or the Constitution of the State or the United States.

1872.

§ 7. Said corporation may provide in its by-laws what penalties shall attach for failure to pay the installments of stock at the times fixed therefor, and shall have full power to enforce such penalties, whether the same shall be by fine or by forfeiture of such shares. It may also provide upon what terms members desiring to do so may withdraw from the association. And it may also direct what officers shall be required to execute bonds, with security, for the faithful performance of their duties, and the amount of penalty in said bonds; and said bonds, when executed, shall be fully binding upon the obligors thereto; and may require the payment quarterly, in advance, of five cents per week on each share to meet current expenses, and also fix an initiation fee of one dollar on each share.

May make by-laws, rules and regulations.

§ 8. The officers and directors may adopt any rules for conducting the business of the association not in conflict with this charter, the by-laws of said association, or the laws of Kentucky, or the Constitutions aforesaid.

§ 9. Said corporation shall have power to issue and sell, or hypothecate its bonds, with coupons or interest warrants attached, for any sum not exceeding the capital stock actually paid up, and make the same payable at such time and place as may be deemed most advisable; but such bonds shall not bear a rate of interest exceeding ten per cent. per annum, to be paid annually or semi-annually, as said corporation may direct: *Provided, however,* That no bonds shall be so issued without the unanimous consent of the stockholders.

§ 10. This act shall take effect from and after its passage.

Approved February 24, 1872.

CHAPTER 321.

AN ACT to amend an act, entitled "An act for the benefit of the estate of Thos. H. Crawford," approved January 13th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the estate of Thos. H. Crawford," approved January 13th, 1872, be so amended as to authorize the administrator of said estate to institute suit in the Louisville chancery court against the heirs and creditors of said Thos. H. Crawford, under chapter four, title ten, of the Civil Code

1872. of Practice, in accordance with the provisions of the act to which this is amendatory.

§ 2. This act shall take effect from its passage.

Approved February 24, 1872.

CHAPTER 324.

AN ACT to enable the board of trustees of Harrodsburg to pay and discharge the indebtedness of the town.

WHEREAS, The board of trustees of the town of Harrodsburg, for the purpose of paying a judgment in the Federal Court at Louisville, Kentucky, against said corporation, has borrowed of the First National Bank of Harrodsburg, for the benefit of said corporation, the sum of four hundred and fifty dollars, executing therefor the individual obligations of the members of said board for the sum of four hundred and sixty-five dollars and ninety-two cents, of date 17th day of January, 1872, and due four months after date, which sum, borrowed as aforesaid, has been applied to the payment of said judgment and costs; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said action on the part of said board of trustees in borrowing said sum, and paying therewith the aforesaid judgment, be, and the same is hereby, legalized; and the money so borrowed shall be paid out of the taxes collected for said town, and out of funds belonging to said corporation, so as to save said individual members of said board harmless in the said individual obligation assumed by them; and if they should pay individually said debt assumed by them, they shall be refunded the amount so paid by them, with interest from time of payment, out of the taxes collected for the town, and out of the funds of said corporation.

§ 2. That to enable said board of trustees to fully pay and discharge the indebtedness of said corporation, the said board of trustees is hereby authorized to borrow an additional sum of not exceeding one thousand dollars, to be applied to the payment of the indebtedness of said corporation, the sum so borrowed to be paid in the same manner as provided in the first section of this act for the said sum already borrowed; and to this end said board of trustees may issue the bond or bonds of said corporation, payable at such time or times and places as said board may determine, for the purpose of securing as aforesaid an additional loan of not exceeding one thousand dollars, which bond or bonds shall be signed by the chairman of said board in his official character, and countersigned by

the secretary of said board in his official character; and when so issued and signed shall be the obligation or obligations of said corporation, and may be sold or hypothecated, or disposed of or used by said board, as the board may deem best, for the purpose of procuring money to pay the indebtedness of said town, and may be transferred by indorsement; said bond or bonds shall bear interest, payable semi-annually, at such rates (not exceeding ten per centum per annum) as said board of directors may elect.

1872.

§ 3. This act shall take effect from its passage.

Approved February 24, 1872.

CHAPTER 326.

AN ACT authorizing the trustees of the Baptist Church of East Fork, in Henry county, to sell the church property, and reinvest the proceeds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Calloway, E. B. Moore, and E. D. Crabb, trustees of the Baptist Church of East Fork, in the county of Henry, be, and they are hereby, authorized, a majority of whom may act, to sell and convey the property now owned by said church, which was purchased of John Calloway and William Calloway, and reinvest the proceeds in other real estate, for the use and benefit of said church, for church purposes. The title to said property so purchased shall be held by the trustees of said church and their successors, in trust for the purposes aforesaid.

§ 2. This act shall be in force from its passage.

Approved February 28, 1872.

CHAPTER 327.

AN ACT for the benefit of the securities of Robert Hamilton, late sheriff of Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the securities of Robert Hamilton, in his State revenue bond as sheriff of said county of Perry, for the year 1866, shall, on or before the first day of July, 1872, pay off and discharge the balance of principal, interest, cost, and commissions of the judgment against them in the Franklin circuit court, together with all attorneys' fees, then all damages upon the principal of said judgment shall stand remitted.

1872. § 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1872.

CHAPTER 328.

AN ACT for the benefit of Montgomery Lodge, No. 23, of Free and Accepted Masons.

WHEREAS, Montgomery Lodge, No. 23, of Free and Accepted Masons, owns no property except twelve thousand dollars stock in the Montgomery Masonic Temple building, in the town of Mt. Sterling :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the stock owned in said Montgomery Masonic Temple by Montgomery Lodge, No. 23, of Free and Accepted Masons, shall be exempt from taxation for any purpose whatever.

§ 2. This act shall take effect from and after its passage.

Approved February 28, 1872.

CHAPTER 329.

AN ACT for the benefit of the heirs of R. M. Biggs, deceased.

WHEREAS, Satisfactory evidence has been adduced to this General Assembly that the estate of R. M. Biggs, deceased, was improperly charged, for the year 1869, by the assessor of Carter county, with twenty-four thousand acres of land lying in said county instead of nine thousand and forty acres, which should have been valued at thirty-six thousand dollars instead of seventy-five thousand dollars, as valued by said assessor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to credit the estate of R. M. Biggs, deceased, with the difference between seventy-five and thirty-six thousand dollars on the taxable property of said estate for the year 1869, and all damages and penalties assessed by law thereon, that amount of difference being the sum with which said estate was improperly charged for said year in consequence of the erroneous assessment made by the assessor of Carter county.

§ 2. This act shall take effect from its passage.

Approved February 28, 1872.

CHAPTER 330.

1872.

AN ACT to pay Bullitt county for keeping pauper lunatics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of five hundred and eighty-seven dollars and seventy cents be hereby appropriated to Bullitt county, for the purpose of paying to said county the amount paid by her for keeping pauper lunatics of said county that could not be received at either of the Asylums.

§ 2. That the Auditor of Public Accounts shall draw his warrant upon the Treasurer of the State, payable to the county judge of said county, for said sum of five hundred and eighty-seven dollars and seventy cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 3. This act shall take effect after its passage.

Approved February 28, 1872.

CHAPTER 331.

AN ACT for the benefit of certain turnpike roads in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bath county shall have power to subscribe to the capital stock of the Owingsville and McIntyre's Ferry Turnpike Road Company, in Bath county, any sum not exceeding fifteen hundred dollars to the mile for each mile of road in said county; and shall have the further power to subscribe to the capital stock of the Owingsville and Frenchburg Turnpike Road Company any sum not exceeding two thousand dollars to the mile for each mile of said road in said county: *Provided, however,* That before said county court shall have power to make said subscription, the presiding judge of the county court aforesaid shall, at the next August election, submit said question to a vote of the qualified voters of said county; and if a majority of the votes cast on said question shall be in favor of said subscription, then the court shall have power to make the subscription, but not otherwise: *Provided further,* That the amount levied for this purpose shall in no one year exceed the sum of fifty cents on each one hundred dollars' worth of property listed for revenue purposes; and that no levy shall be made until a sufficient amount of stock shall have been taken by private subscription to enable the company, with the aid of said subscription allowed by this act, to complete said roads as

1872. far as they run in said county; but a proper proportion shall be paid as each mile is completed.

§ 2. If said question should not be submitted at the next August election, then the county judge may order said question to be submitted at some general election.

§ 3. This act shall be in force from its passage.

Approved February 28, 1872.

CHAPTER 333.

AN ACT to amend the charter of the town of Lawrenceburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Lawrenceburg be so amended, that the trustees of said town are authorized to erect a work-house, in which persons guilty of a violation of the ordinances of said town may be confined at labor until they shall have discharged or paid off any fine that may be assessed against them by the police court for such violation; and the police judge of said town may, upon conviction of any offender, require him or her to labor on the streets or alleys of said town, under the supervision of the town marshal, until he or she shall have discharged or paid off any fine, including costs, that may be assessed against such offender, at the rate of two dollars per day: *Provided*, That the defendant shall not, in any case, be confined or required to work on the streets of said town, if he shall pay or replevy the fine and costs against him.

§ 2. This act to take effect from its passage.

Approved February 28, 1872.

CHAPTER 334.

AN ACT for the benefit of Henry G. Black, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasury for sixty dollars, in favor of Henry G. Black, of Ballard county, for his services as surveyor, in the case of the State of Missouri against the State of Kentucky, in the United States Court, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved February 28, 1872.

CHAPTER 335.

1872.

AN ACT to amend an act, entitled "An act exempting salt wagons from paying toll on the Wilderness Turnpike Road, in Knox and Josh Bell counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections one and two of an act, entitled "An act exempting salt wagons from payment of toll on the Wilderness Turnpike Road, in the counties of Knox and Josh Bell," approved March 13th, 1871, be, and the same are hereby, so amended that said wagons shall be exempt from the payment of toll on said road only on their return from the Goose creek and other salt works in Clay county when loaded with salt, but shall be required to pay the same toll that other wagons are required to pay in going over said road to the said salt works.

§ 2. This act shall be in force from its passage.

Approved February 28, 1872.

CHAPTER 338.

AN ACT to amend the first section of an act, entitled "An act to prevent the destruction of fish in Clover creek, in Breckinridge county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of an act, entitled "An act to prevent the destruction of fish in Clover creek, in Breckinridge county," be, and the same is hereby, amended so as to read: That it shall be unlawful for any person or persons to haul or stretch a seine, net, set-net, trap, or any fish-net of any description, in Clover creek, in Breckinridge county, during a rise or flood of said stream, within ten miles of its mouth, or in the Ohio river within one quarter of a mile of the mouth of said creek.

§ 2. This act to take effect from and after its passage.

Approved February 28, 1872.

CHAPTER 339.

AN ACT for the benefit of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, if, under the provisions of the charter of the Cumberland and Ohio Railroad Company, any vote shall be ordered in said county, for the purpose of building said road through Henry county, the tax receipts for taxes levied to pay for the same shall be received by

1872. said company in payment for charges for transportation of passengers and freight to and from any depot of said railroad in Henry county, on such terms as may be agreed upon and named in the terms of subscription as voted.

§ 2. This act to take effect from and after its passage.

Approved February 28, 1872.

CHAPTER 340.

AN ACT to amend the charter of the Alexandria and Flagg Spring Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Alexandria and Flagg Spring Turnpike Road Company be, and it is hereby, authorized to borrow a sum, not exceeding twelve thousand dollars (\$12,000), to enable said company to complete said road.

§ 2. That to enable said company to borrow said money, its board of directors is hereby authorized to issue the bonds of said company, not exceeding, in the aggregate, the said sum of twelve thousand dollars, and to sell the same at such prices as they may deem expedient.

§ 3. That said board shall make said bonds of such denomination as it may deem expedient, none of them, however, to be for a less sum than twenty dollars (\$20), or a greater sum than one thousand dollars. Said bonds to bear a rate of interest to be determined by said board, but not to exceed ten per centum per annum, payable semi-annually, at such time and place as the board shall specify on the face of the bonds, and for which coupons may or may not be attached as the board shall determine. Said bonds shall be sealed with the corporate seal of said company, and signed by its president, and attested by its secretary.

§ 4. In order to secure the payment of said bonds, said corporation is hereby authorized to mortgage or convey, in trust for the security of said bonds, any part or all of said road, conditioned to pay the principal and interest of said bonds.

§ 5. That said company is hereby authorized, if it shall elect to do so, to redeem any part or all of the bonds they may issue under this act, at any time after the expiration of five years from their date, by paying the principal and all interest due thereon at the time of redemption; but the bonds are not to run longer than ten years.

§ 6. That said mortgage is not to interfere with or release any liabilities of said company now existing.

§ 7. That this act take effect from its passage.

Approved February 28, 1872.

CHAPTER 341.

1872.

AN ACT to regulate the sale of spirituous liquors in Boyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous liquors within the county of Boyd in less quantities than five gallons, unless such person shall first obtain a license so to do.

§ 2. Any person violating the provisions of this act shall, upon conviction thereof, be fined in a sum not less than twenty nor more than fifty dollars, recoverable by warrant in the name of the Commonwealth before any justice or police judge, or by indictment in the circuit court; and in addition thereto, there shall be taxed in the costs against the defendant, when convicted, a fee of five dollars for the benefit of the county attorney, or such attorney as may prosecute in his absence.

§ 3. This act shall be in force from its passage.

Approved February 28, 1872.

CHAPTER 342.

AN ACT incorporating the Goshen, Oldhamsburg, and Sligo Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and created a body-politic and corporate, by the name and style of the Goshen, Oldhamsburg, and Sligo Turnpike Road Company, for the purpose of building a turnpike road from the termination of the River Gravel Road, ten miles from the city of Louisville, to where the road leading from Lagrange to Meade's Landing crosses the Bedford and Louisville Road; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all the courts of this Commonwealth.

Corporate
name and style.

§ 2. That in order to raise the means necessary to build said road, it shall be lawful, and is hereby imposed, on all the lands in Saltillo precinct (except the lands belonging to those who have stock in the Sandhill Turnpike Road). All the lands lying within one mile of the road shall be taxed double the amount that the lands beyond one mile from said road are: *Provided, however,* Before this act shall take effect, the same shall be submitted to the land-owners in said precinct (those who are excluded in this section will not be allowed to vote), at the usual place of voting therein, at an election to be held, at any time or times when a majority of the incorporators shall peti-

Tax levied to
build road.

Tax question
to be voted on.

1872. tion the county judge to order an election, notice of which shall be given, in writing, at three of the most public places in said precinct, for at least ten days before said election shall be held: *Provided*, That no widow or minor whose income is less than five hundred dollars shall be taxed.

If tax carries,
county judge to
levy same.

§ 3. If at the election herein provided for a majority of those voting in said precinct shall vote for the adoption of this act, and in favor of the tax herein specified, which shall only be made to appear by the return of the poll-books of said election to the clerk of the Oldham county court, it shall be the duty of the judge of said court to appoint two or more commissioners, one of whom shall be a practical surveyor, whose duty it shall be to report, under oath, to said court, the names of the owners of land in said precinct, within one mile of said road, and the owners of land in said precinct over that distance from said road, and the number of acres owned by each; upon the confirmation of said report, after the amount necessary to build said road is ascertained, it shall be the duty of the judge of said court to fix and assess the amount of taxes due from each owner of land within said boundary, according to the provisions of this act, one copy of which shall be preserved in the clerk's office of said court, and also a copy furnished to the treasurer of said company.

Tax-payers to
be stockholders

§ 4. All persons upon whom said tax is levied, and from whom the same may be collected, shall be entitled to stock in said company in the proportion that the amount of tax thus paid bears to the whole amount of tax imposed; and upon payment of the same, shall be entitled to a certificate of stock to that amount.

Election of
president and
directors.

§ 5. Immediately after the election herein provided for shall be held, if a majority of those voting shall vote in favor of the adoption of this act, an election shall be held at the usual place of voting in said precinct, of which ten days' notice shall be given, at which election shall be chosen a president and four directors, who shall superintend the building of said road, and manage and control all the business thereof, and shall be vested with all the privileges, powers, and authority that is vested by law in turnpike and plank roads by the provisions of the Revised Statutes, chapter 103, in relation to turnpike and plank roads, except where the same may conflict with the provisions of this act; they shall have full power and authority as they may deem necessary for their government, and not inconsistent with the Constitution and laws of this State.

Powers of
director.

County judge
to appoint col-
lector of said
tax.

§ 6. That the county judge of said county shall appoint a collector of the tax hereby imposed, who, before he enters upon the duties of his office, shall execute bond, with good security (to be approved by the court), for the

faithful performance of his duties; he shall collect all taxes as they fall due under this act, when the assessment made by said court shall, by the treasurer of said company, be placed in his hands; and he is hereby vested with all the powers that sheriffs of this Commonwealth have in collecting the county levy and revenue tax.

1872.

§ 7. The tax hereby imposed shall be collected as follows: one half in six months after this act shall be adopted, and the balance in one year thereafter; the persons from whom tax is due under the provision of this act shall pay the same to the treasurer of said company, and take his receipt for the same, which shall be a full acquittance to said tax-payer for the amount embraced in such receipt.

Time and manner of collecting tax.

§ 8. At the time the stockholders of said company elect their president and directors, they shall also elect a treasurer, who, before he enters on the duties of his office, shall execute bond with security, to be approved by the president and majority of the directors of said company, for the faithful performance of his duties; he shall receive all taxes due under this act, and all other moneys belonging to said company, and pay out the same under the order of the directors thereof; he shall keep a regular account of his receipts and disbursements, and make a full statement thereof every three months, or oftener if required; the taxes due from all persons under this act shall be paid to the treasurer of said company; if any one shall fail or refuse to pay the same for sixty days after it becomes due, the assessment made by said court, showing the amount due, shall be delivered to the collector of said company, who shall proceed to collect the same as is hereinbefore provided.

Election and duties of treasurer.

§ 9. Said road shall be located on the present site of the Louisville and Bedford road, though the board of directors may alter the location, if, in their judgment, it is the interest of the road to do so.

§ 10. The board of directors shall have power to erect gates on said road and collect tolls from all persons in the manner and at the rates fixed by law in chapter 103, Revised Statutes.

§ 11. The county court shall appoint two judges, one in favor of the adoption of this act and one opposed, if practicable also a clerk and sheriff, to hold the election herein required to be held at which this act is to be submitted to the voters of said precinct, all of whom shall be sworn before entering on the duties of their office.

§ 12. The president and directors shall hold their office for one year, and until their successors are elected and qualified; in voting for president and directors, the stockholders shall each be allowed to vote in proportion to the

Term of office of president & directors.

1872. amount of stock owned and held by each; the election for president and directors shall be held on the first Saturday in May of each year, and at the usual place of voting in Goshen precinct.

§ 13. Said company shall keep a record of all their meetings and proceedings under this act, which shall at all times be open to the inspection of the stockholders of said company; and said company shall have power to appoint a secretary and prescribe his duties. The private scroll of the president shall be used as a seal of said company.

Corporators' names.

§ 14. Those living between the terminus of this road and Sligo may avail themselves of this act at any time within three years from the date of the passage of this act. That Henry Button, Reuben Bennett, sr., James Whitesides, Turner Pinkston, and S. E. DeHaven, as agent for Miss Sue Gibson, be, and they are hereby, appointed incorporators of this portion of the road, and to lay off said district to be voted in.

§ 15. That R. T. Snowden, T. W. Magruder, R. R. Button, John Ross, and A. Crutchfield, be, and are hereby, appointed corporators.

§ 16. This act to take effect from its passage.

Approved February 28, 1872.

CHAPTER 343.

AN ACT to incorporate the Smith's Grove Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Capital stock.

§ 1. That there is hereby established a bank of deposit in the town of Smith's Grove, Kentucky, with a capital of one hundred thousand dollars, in shares of fifty (50) dollars each, to be subscribed and paid for as hereinafter specified; and the persons named in the third section of this act, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Smith's Grove Deposit Bank, and shall so continue for twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Name and style.

Directors—their qualifications & duties.

§ 2. Said bank shall be under the control and direction of seven directors, each of whom shall be stockholders; they shall be residents of this State, and after the first election shall be elected annually on the first Monday in January in each year, and hold their office until their suc-

1872.

cessors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had when deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining un-sold as they may at any time choose to sell, to declare dividends, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable. The stock shall be deemed personal estate, and shall be assignable according to such rules as the directors may prescribe; but such corporation shall have a lien on the stock to secure the payment of any indebtedness on account of unpaid stock.

§ 3. That J. P. Cowles, U. Rasdal, Merideth Cox, L. D. Shobe, A. H. Smith, Henry Smith, and David Kerby, are hereby appointed commissioners, any two of whom may act, and open books and receive subscriptions for the capital stock; and when shares to the amount of twenty thousand dollars shall have been subscribed, it shall be their duty to give notice in or more newspapers, and appoint a day for the election of a board of directors, who shall hold their office until the succeeding annual election. The payment of the shares subscribed shall be made as follows: five dollars on each share at the time subscribed, and the residue in installments of twenty per cent. on the stock subscribed: *Provided*, That when ten thousand dollars shall be paid in, the directors may, if they think proper, extend the time for paying the remainder, and may thereupon commence business, upon the president's making affidavit that such sum has been paid in.

Corporators'
names.

§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, exchange, promissory notes, bonds, stocks, bills of exchange, and other evidences of debt; take personal and other securities, except real estate, for the payment thereof, and dispose of the same in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871; and the promissory notes, or bills made negotiable and payable at its banking-house, or at any other bank or banking-house, which may be dis-

Corporate
powers.

1872. counted by said bank, and inland bills which may be discounted by said bank, shall be, and they are hereby, put upon the footing of foreign bills of exchange; and like remedies may be had thereon, jointly and severally, against the drawers and indorsers. But said bank, in loaning money by discount or otherwise, shall do so in accordance with the provisions of an act, entitled "An act to amend chapter 53 of the Revised Statutes, title 'Interest and Usury,'" approved March 14th, 1871.

May acquire
and hold real
estate, &c.

§ 5. The said corporation may acquire, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment or decree, and sell and convey the same; and they may make all needful by-laws, rules and regulations, for the government of said bank, not inconsistent with the Constitution of the United States or of the State of Kentucky.

State tax.

§ 6. It shall be the duty of the president, on the first Monday in January in every year, to pay into the Treasury of the State fifty cents on each one hundred dollars of stock held and paid for in said corporation, in full and in lieu of all other taxes, to be part of the revenue proper.

Penalty for
unlawful acts
of officers.

§ 7. If the cashier, clerk, teller, or any other of the officers of said bank, shall unlawfully appropriate any of the funds of said bank, or shall willfully fail to make correct entries, or shall knowingly make false entries on the books of said bank, they shall be deemed to be guilty of felony, and punished by confinement in the penitentiary not less than one or more than five years.

Shall not issue
notes.

§ 8. It shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 9. The Legislature reserves the right to alter or repeal this charter at its pleasure.

§ 10. No certificate of stock shall be issued unless actually subscribed for on the books of the company, and actually paid in.

Cashier to
make report.

§ 11. It shall be the duty of the cashier of said bank to make a full statement of its assets and liabilities at least once a year, and publish the same in some newspaper of general circulation.

§ 12. The indebtedness of said bank over and above its deposits shall not exceed its actual bona fide paid in capital stock.

§ 13. This act to take effect from its passage.

Approved February 28, 1872.

CHAPTER 344.

1872.

AN ACT to incorporate the Caseyville Deposit Bank, of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in the town of Caseyville, Union county, Kentucky, with a capital of one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified ; and the persons named in the third section of this act, successors and assigns, shall be a body-politic and corporate, by the name and style of the Caseyville Deposit Bank; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever ; it may have a common seal, and change and renew the same at pleasure.

Capital stock.

Name and style.

§ 2. That said bank shall be under the control and direction of seven directors, all of whom shall be residents of Union county, Kentucky, and in the Caseyville voting district, and shall be stockholders ; after the first election they shall be elected annually on the first Monday in January, in each year, and hold office until their successors are elected and qualified ; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary ; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may, at any time, choose to sell, to declare dividends of the profits arising out of the business, and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be transferable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish.

Directors, and their qualifications.

Corporate powers.

§ 3. That D. A. Brooks, sr., C. H. Gilchrist, T. B. Clore, B. F. Wallace, H. J. Wallace, E. J. Porter, and D. A. Brooks, jr., are hereby appointed commissioners, any three of whom may open books and receive subscriptions for the capital stock ; and when two hundred and fifty shares of stock shall have been subscribed for, it shall be their duty to give notice in the county paper published in the county, and appoint a day for the election of a board of

Corporators' names.

1872. directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be as follows: There shall be paid ten per cent. on the amount of each share within ten days after the election of the first board of directors, and the residue in installments of ten per cent. on each share every thirty days: *Provided*, That after ten thousand dollars shall have been paid in, the board of directors shall have power to prolong the time for the residue; and should any subscriber fail to pay for their subscription of stock as herein provided, after giving notice of their intention in the county paper for thirty days, the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such times as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation; said corporation may commence business so soon as five thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, or notary.

Corporate
powers.

§ 4. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money, and in exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the same in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871; and the promissory notes made negotiable and payable at its banking house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing as foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the drawers and indorsers. But said bank, in loaning money by discount or otherwise, shall do so in accordance with the provisions of an act, entitled "An act to amend chapter 53 of Revised Statutes, title 'Interest and Usury,'" approved March 14th, 1871.

May acquire
and hold real
estate.

May make by-
laws.

§ 5. That said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of, or to aid in the satisfaction of, any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws as they deem necessary, provided the

same be not contrary to the Constitution or laws of this State or of the United States. 1872.

§ 6. That it shall be the duty of the president, on the first day of January in each year, to pay into the State Treasury, for the benefit of revenue proper, fifty cents on each one hundred dollars of stock held in said bank, which shall be in full of all tax or bonus thereon. State tax.

§ 7. That if the cashier, or clerk, teller, or other officer or servant of said bank, shall appropriate any of the funds to his own use, or shall willfully fail to make correct entries, or knowingly make false entries on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or shall conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be confined in the jail or Penitentiary of this Commonwealth for a period of not less than two nor more than five years. Penalty for fraudulent acts of officers.

§ 8. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency. Shall not issue notes.

§ 9. That the General Assembly shall have the right to examine the affairs of said corporation by any committee, that they may appoint for that purpose.

§ 10. That no certificate of stock shall be issued except for that subscribed on the books of said bank and bona fide paid in.

§ 11. That the indebtedness of said bank shall at no time exceed its actual paid in stock, over and above its indebtedness to its cash depositors.

§ 12. The president and cashier of said bank shall publish, in some newspaper of general circulation in the vicinity thereof, a semi-annual statement, under oath, giving a full and fair statement of the financial condition of said bank. Officers to give statement of condition.

§ 13. That the General Assembly hereby reserves the right to alter, amend, or repeal this act.

§ 14. That this act shall take effect from its passage, and continue in force twenty years, unless repealed: *Provided*, It is organized in one year from the passage of this act; and if not organized in that time, this act to be void.

Approved February 28, 1872.

1872.

CHAPTER 345.

AN ACT for the appointment of official reporters, and for the preservation of evidence in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Judges of said courts to appoint reporters, and term of office.

§ 1. That the judges of the Jefferson court of common pleas, the Jefferson circuit court, the Jefferson county court, and the chancellor of the Louisville chancery court, or a majority of them, are hereby authorized to appoint two phonographic reporters, who shall be skilled in their profession, and who shall hold their offices for a term of four years, and until their successors are appointed and qualified, unless they, or either of them, shall be removed by said judges and chancellor, or a majority of them, for neglect of duty or incompetency.

Parties to suits may request judge to order full reports of evidence.

§ 2. Upon the trial of any cause in the Jefferson court of common pleas, if either party to the suit, or their attorney, shall request the service of said official reporters, the presiding judge may, in his discretion, order a full report of the testimony, in which case it shall be the duty of said official reporters to cause full short-hand notes of the evidence to be taken; and upon request of either party to the suit, or their attorney, to cause a full and accurate transcript of the same to be made, which shall be filed among the papers to be used in making up the bill of exceptions to the Court of Appeals. The fees of said official reporters for attendance in court, and taking short-hand notes in such cases, and making such transcripts, shall be fixed by the presiding judge of said court, and paid for forthwith by the party or parties at whose instance the same was ordered, and shall be taxed as a part of the costs of the suit.

Fees.

§ 3. In any suit or proceeding pending in the Louisville chancery court, where proof is to be taken, if either of the parties to such suit or proceeding, or their attorney or solicitor, shall suggest, the chancellor may, in his discretion, direct the proof to be taken by said official reporters, in which case it shall be their duty to cause the testimony to be taken in short-hand, and to cause a full and accurate transcript of the same to be made, and filed among the papers. Proof so taken shall be used upon the hearing of the cause, the same as if taken by any other officer authorized by law to take proof in such cases. Said chancellor may also, in his discretion, order a full report of the testimony upon the trial of any issue by jury in said court, where either of the parties, or their attorney, shall request. The fees of said official reporters, for taking testimony in such cases, shall be fixed by the chancellor, and paid forthwith by the party in whose benefit it was taken.

1872.

§ 4. Upon the trial of any criminal cause in the Jefferson circuit court, if the Commonwealth's Attorney, or the accused, shall, through his attorney, request the service of said official reporters, the presiding judge may, in his discretion, order a full report of the testimony and transcript thereof, in which case it shall be the duty of the official reporters to cause full short-hand notes of the evidence to be taken, and to cause a full and accurate transcript of the same to be made and filed among the papers, which transcript may be used in making up the bill of exceptions to the Court of Appeals. The fees of said official reporters for taking and transcribing the testimony in such cases shall be fixed by the presiding judge, and shall be paid by Jefferson county and the city of Louisville in the proportion that other joint county and city expenses are now paid and provided for by their local authorities: *Provided*, That no part of the fees of said reporters shall be paid by the Commonwealth.

§ 5. In any matter, upon hearing before the county court of Jefferson county, if either of the parties, or their attorneys, shall request the service of said official reporters, in order that the evidence may be preserved, the presiding judge of said court may, in his discretion, order a full report of the testimony in such matter to be taken, in which case it shall be the duty of said official reporters to cause full short-hand notes of the testimony to be taken, and upon request of either party, or their attorney, to cause an accurate transcript of the same to be made, and filed among the papers, to be used by the respective parties as the court may direct. The fees for taking notes and making transcripts in such case shall be certified by the presiding judge, and paid forthwith by the party or parties at whose instance the same was ordered, and shall be taxed as a part of the costs in the suit.

§ 6. The testimony of any witness or witnesses taken by said official reporters, in any of the said courts as aforesaid, shall constitute a part of the record of the case, and may, in the discretion of the court, be used in any subsequent trial of the same case between the same parties, where the testimony of such witness or witnesses cannot be procured; which fact must be made to appear to the court by the affidavit of the party desiring to use the same, or his attorney.

Said testimony
to constitute
part of record.

§ 7. Official reporters appointed under the provisions of this act shall be *ex-officio* examiners; may have a common seal; and shall have full power and authority to swear witnesses, and take and certify depositions, in any of the courts of this Commonwealth; and shall have the same fees as now allowed by law to examiners.

Reporters to
be examiners,
and receive
same fees.

1872.

Reporters to
take oath.

§ 8. Before entering upon the duties of their office, official reporters appointed under this act shall take an oath for the faithful performance of their duties, and shall severally give bond, with sufficient security, in the sum of five thousand dollars, conditioned for the faithful performance of their duties, to be filed in the office of the clerk of the court of common pleas; and if forfeited, suit may be instituted thereon for the use of the party injured.

§ 9. That any of the said reports, when attested by the judge before whom the trial is had, may be taken, without being copied, to the Court of Appeals, to be used upon an appeal, and thereafter returned to the court in which it was made.

§ 10. This act shall take effect from its passage.

Approved March 1, 1872.

CHAPTER 346.

AN ACT to amend the charter of the town of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and
style.

Acts in regard
to town made to
to apply to city
of Bowling
Green.

City to provide
for poor.

§ 1. That hereafter the inhabitants of the territory known and now designated by law as expressed in an act to amend the charter and to enlarge and define the boundary of the town of Bowling Green; approved February 3d, 1871, are hereby continued corporate, and shall be known by the name and style of the City of Bowling Green, a body-politic and corporate, with powers to govern themselves by such ordinances and resolutions, for municipal purposes, as they may deem proper, not to conflict with their charter heretofore granted to them under the name and style of the town of Bowling Green, nor any amendments which have been, and is hereby, granted, or may hereafter be granted and affixed to said charter, except where the same is repealed, nor the Constitution and laws of this State nor of the United States; and said city is hereby granted the same powers that the town of Bowling Green now has, and hereby adopts all of the charter of said town now in force and not in conflict herewith as the law of said city; and all laws and parts of laws not in conflict herewith, that have been heretofore granted for the benefit of said town, are hereby declared to be still in force in said city, so far as the same is now applicable.

§ 2. That hereafter the city of Bowling Green shall, by law, provide for the maintenance and care of the poor of said city; and the inhabitants thereof shall be relieved from the county poll tax now levied and collected by the

county of Warren for that purpose ; and which said poll tax heretofore collected by said county may hereafter be assessed and levied by the board of councilmen of said city, and collected by the city collector, in the same manner as other taxes of said city are collected.

1872.

§ 3. That in the absence of the police judge, and in the trial of all cases when said judge cannot, for any reason, preside, it shall be the duty of the city clerk to open the court and proceed to elect a judge from the members of the bar present, as is now provided by law in the circuit courts of this Commonwealth.

In absence of police judge, pro tem. judge to be elected.

§ 4. That section twenty-eight of an act, entitled "An act to amend and reduce into one all the acts concerning the town of Bowling Green," approved March 5, 1856, be, and the same is hereby, so amended that the collector of the city of Bowling Green, for the purpose of enforcing the collection of unpaid taxes past due upon real estate in said city, shall have the power to levy upon and sell said property upon which said taxes are past due after having duly advertised and reported the same to the board of councilmen of said city as may be prescribed by ordinance.

Collector may levy and sell property to pay taxes.

§ 5. Within two weeks after making sale of any property for taxes, the collector shall render to the board of councilmen a full report of his proceedings thereon, including a list of the property sold, and of the names of the owners and purchasers, and a description of the property, and he shall also file a copy of the advertisement, and shall make affidavit before a justice of the peace that he has complied with all the requirements of the charter, and the ordinances of the city, in relation to making the levy, advertising, giving notice to owners, and selling, which affidavit shall form a part of the collector's report.

Collector to report to city council.

§ 6. All tracts of land within the limits of said city not laid off into squares or lots, shall be assessed for taxation by the acre.

§ 7. That hereafter the mayor of the city of Bowling Green shall keep a regular set of books, and bond register, in which the exact financial condition of the city may at all times be readily seen on inspection; said books to be open for inspection to council of said city.

Duties of mayor.

§ 8. Whenever the city of Bowling Green causes streets and alleys to be opened at the cost of the city, when the same is to the benefit of individuals by enhancing the value of the property through which or by which said streets or street, alley or alleys, are opened or run, that the city shall have, and is hereby granted, the power to levy and collect a special additional tax of ten cents on the one hundred dollars' worth of property so enhanced per annum, the city authorities to be governed by the assessed value of the property in all cases in levying this

May levy special tax on certain property.

1872. tax; and said special tax to continue until the purchased cost of said streets and alleys is received, when said tax is to cease.

Names of streets. § 9. Hereafter Main, East, and West streets, in the city of Bowling Green, shall be known as Main street; and that Main North street in said city shall be known as Berge street; and that Main South street of said city shall be known as State street; which names hereby affixed to said streets shall remain.

§ 10. The tithes thus imposed by the county court of Warren on the tithables residing in the corporate limits of Bowling Green, shall pass and be transferred according to the provisions of this act, and the assessment shall be made as of the 10th day of January, 1872.

§ 11. This act shall take effect from and after its passage.

Approved March 1, 1872.

CHAPTER 347.

AN ACT for the benefit of John B. Greenwell, of Owen county.

WHEREAS, By an act of the General Assembly, approved January 16th, 1869, an appropriation was made for the purpose of compensating certain parties who had furnished labor and materials in repairing the locks and dams on the Kentucky river; and whereas, John B. Greenwell, a citizen of Owen county, during the repairs on said locks and dams, for the benefit of the State, furnished labor and material in the making of said repairs to the amount of forty-three dollars (\$43), for which he has never received any compensation, his claim having been accidentally omitted when said appropriation was made; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That the sum of forty-three dollars be, and the same is hereby, appropriated, out of any moneys not otherwise appropriated, for the purpose of paying said Greenwell his said claim, and that the Auditor be instructed to draw his warrant on the Treasurer for that amount in favor of said John B. Greenwell.

§ 2. This act to take effect from and after its passage.

Approved March 1, 1872.

CHAPTER 348.

1872.

AN ACT for the benefit of the Cleaveland Orphan Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property bequeathed by John Cleaveland, deceased, of Woodford county, for the benefit of an orphan asylum, to which the orphan children of this Commonwealth are to be admitted, so far as the said property may be located within the limits of this State, be, and the same is hereby, exempted from all State and municipal taxation.

§ 2. That this act shall include every description of property bequeathed to said orphan asylum, whether real or personal.

§ 3. This act to take effect from and after its passage.

Approved February 28, 1872.

CHAPTER 349.

AN ACT to authorize the clerk of the Todd county court to make a cross-index to all the deeds in his office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Todd county court is hereby authorized and directed to make an index and cross-index to all the deeds recorded in the office of the Todd county court clerk, in a separate book or books, well bound, and in every way suitable for the purpose, commencing at the beginning of deed-book "A," and continuing through all the deed-books successively, so as to make said index and cross-index include each and every deed that may be recorded in said office up to the present time.

§ 2. It shall be the duty of said clerk, and his successors in office, to continue said index and cross-index from time to time, as deeds may be hereafter recorded in said office, so as to include each and every deed that shall be recorded therein.

§ 3. The county court of Todd county, at the court of claims next after the making of said index and cross-index, shall levy and order to be collected an amount sufficient to pay said clerk for said services, at the rate of two cents for every twenty words of said index and cross-index, to be levied, collected, and paid as other county levies.

§ 4. This act to take effect from its passage.

Approved February 28, 1872.

1872.

CHAPTER 350.

AN ACT for the benefit of W. B. Stivers, school commissioner of Madison county.

WHEREAS, W. B. Stivers, common school commissioner of Madison county, failed in the year 1871 to retain, in thirty school districts of said county, two dollars from the school fund of each district to pay for Collins' Historical Sketches of Kentucky, as required by law, but used the whole of said school fund for educational purposes, and will have to advance sixty dollars out of his private and individual means without appropriate legislation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. B. Stivers, school commissioner of Madison county, is hereby allowed to report to the Superintendent of Public Instruction the districts in which he failed to retain the amount required by law to be retained in 1871 to buy said Collins' Historical Sketches, and when the report is made, the Superintendent shall transmit it to the Auditor of this State, and the Auditor shall draw his warrant on the Treasurer, in favor of said W. B. Stivers, for the sum of sixty dollars: *Provided, however,* That this sum shall be paid out of the surplus bond fund of Madison county.

§ 2. This act shall take effect from its passage.

Approved March 2, 1872.

CHAPTER 351.

AN ACT to incorporate the town of Montgomery, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary. § 1. That the town of Montgomery, in Trigg county, be, and the same is hereby, incorporated, with the following boundaries: beginning at the Montgomery Academy, including same; thence on a straight line to, and including, J. C. Robertson's residence; thence to R. R. Gaines', including Samuel Roach; thence to R. E. Morgan's; thence to J. C. Wooldridge's, including his improvements; and thence on a straight line to the beginning.

Trustees—
when and how
elected. Corporate
name & style. § 2. That there shall be three trustees elected annually, on the first Saturday in May, for said town; that said trustees and their successors in office shall be a body-politic and corporate, and known by the name and style of the trustees of the town of Montgomery; and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in

all courts in this Commonwealth; and said trustees may have and use a common seal, and shall have all the powers and privileges, and be subject to all the duties and liabilities, as is provided by general law.

1872.

Corporate powers.

§ 3. The trustees of said town shall have power to levy a tax of not more than one dollar on each poll within its corporate limits, and a tax of not more than twenty cents on each one hundred dollars' worth of property in said town subject to taxation; and all fines and forfeitures for a violation of any of the ordinances or by-laws of said town shall be paid into the treasury of said town, to be used by the trustees for the public good.

May levy taxes

§ 4. That on the same day set apart for the election of trustees of said town, there shall be held an election once in every two years, for the purpose of electing a police judge and town marshal for said town; and said judge and marshal shall qualify and give bond, and shall be clothed with all the usual powers and privileges delegated to such officers; and they shall be governed and controlled by all laws made binding upon such officers.

Police judge and marshal—when elected & their powers.

§ 5. The county court of said county may appoint trustees, police judge, and town marshal, to hold their offices until the first election and qualification of their successors.

County court to appoint until election.

§ 6. That the board of trustees of said town may grant license to persons to keep a coffee-house, and retail spirituous liquors, upon the payment of such sum of money as they may deem proper, not to exceed one hundred dollars, which sum, when paid, shall go into the treasury of said town: *Provided, however,* That bond shall be executed in the county court, and the State tax paid, as now required by law.

May license taverns, &c.

§ 7. This act to take effect from its passage.

Approved March 2, 1872.

CHAPTER 352.

AN ACT for the benefit of Wm. Cummins and his sureties.

WHEREAS, The Franklin circuit court, at its February term, 1871, rendered two judgments against Wm. Cummins, late sheriff of Whitley county, and his sureties, for the balance of the revenue due from said county for the years 1869 and 1870; and whereas, the judgment for the revenue of 1869 has been paid in full, including \$38 78 damages, and the judgment for revenue of 1870 has all been paid except \$141 53, and the damages; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Cummins and his sureties are hereby released from the damages assessed against them upon the

1872. revenue due from said county for the years 1869 and 1870.

§ 2. That the judgment against said Cummins and his sureties, for the revenue of 1870, shall be credited with the \$38 78 damages paid by them on the revenue for 1869 : *Provided*, Said Cummins and his sureties shall, by the first of July, 1872, pay into the Treasury the balance of said judgment, including interest, cost, and Attorney General's fee.

§ 3. That this act shall take effect from its passage.

Approved March 2, 1872.

CHAPTER 353.

AN ACT to amend an act, entitled "An act to incorporate the Mt. Sterling and Spencer Creek Turnpike Road Company," approved May 24, 1861.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the president and directors of the Mt. Sterling and Spencer Creek Turnpike Road Company shall be, and are hereby, empowered, a majority of said board of president and directors concurring, to execute a mortgage, conveying said road, with all its franchises, rights, and privileges, to secure the payment of moneys borrowed by said road company, or by others for its use.

§ 2. The mortgage hereby authorized shall not be executed until there has been an order made on the records of said company directing it. If ordered, it shall be executed by the president of said company, and on its acknowledgment by him shall be recorded in the Montgomery county court clerk's office, together with a copy of the order of said president and directors directing the execution of said mortgage. Copies of said mortgage and order, certified by the clerk of said court, shall be evidence in all the courts of this Commonwealth.

§ 3. The Montgomery circuit court shall have jurisdiction of any action instituted for the foreclosure of said mortgage. The said court shall, on the trial of any such action, determine whether a sale of said road, and its rights and franchises, is necessary for the payment of the debts of said road company, in a reasonable time ; and if said court is satisfied that such sale is proper, the same shall be ordered as in other cases of liens.

§ 4. The purchaser under any sale made under this act shall be required to maintain and keep said road for the purposes, and in the same manner as said company is now required to do by the act of incorporation, and the said purchaser shall be liable for all penalties incurred for violations of the charter and of the laws after posses-

sion is given under the sale. The purchaser shall also succeed to and have all the rights and privileges now enjoyed and possessed by said road company.

1872.

§ 5. This act to take effect from its passage.

Approved March 2, 1872.

CHAPTER 354.

AN ACT for the benefit of Solomon Tingle, of Henry county.

WHEREAS, It appears that Elijah Vest, a person of unsound mind, was, by the order of the Henry county court, directed to be confined in the Eastern Lunatic Asylum at Lexington; and this institution having already more than its complement of patients at that time, and the superintendent in consequence refusing to receive said Vest; and it further appearing that the county court did order Solomon Tingle, jailer of said county, to take, confine, and otherwise treat and provide for said patient; which order said Tingle did faithfully perform from the 8th day of August, 1871, until the 12th day of October, 1871; and upon the presentation of his account to the circuit court, the same was allowed at the rate of two dollars (\$2) per day, and seventy-five cents for committing and releasing the patient; but on presentation, the Auditor refused to pay the same for want of authority of law; and it appearing further that said Tingle kept said Vest ten days after said circuit court had adjourned; and whereas, it appears that Thomas Jenkins (a man of color), of unsound mind, was, by the order of the same court, directed to be confined in the Eastern Lunatic Asylum at Lexington; and said institution having already more than its complement of patients at that time, and the superintendent in consequence thereof refusing to receive him; and it further appearing that the judge of the county court did order and direct Solomon Tingle aforesaid to take, confine, treat, and otherwise provide for said Thomas Jenkins; which order said Tingle did faithfully perform for eight days; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury for the sum of one hundred and sixty-five dollars and seventy-five cents (\$165 75) in favor of said Tingle, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 2, 1872.

1872.

CHAPTER 355.

AN ACT to require the clerk of the Louisville chancery court to make a cross-index to suits and cross-suits in said court, and continue the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Louisville chancery court shall cause to be made out a cross-index of suits brought in the Louisville chancery court since the — day of —, 1862; and he shall also cause to be made an index and cross-index of cross-suits brought and made in said court since the same date.

§ 2. That said clerk shall receive for said work a reasonable compensation, to be fixed by the judge of said court, and to be apportioned between, and paid by, the city of Louisville and the county of Jefferson, in the same ratio in which other court expenses have heretofore been apportioned and paid.

§ 3. That indexes and cross-indexes to suits, and indexes and cross-indexes to cross-suits in said court, shall be kept hereafter.

§ 4. For every failure to index or cross-index any suit or cross-suit brought in said court hereafter, the said clerk shall be fined ten dollars in said court; and shall, in addition thereto, be liable to any person injured thereby to the full extent of such injury.

§ 3. This act shall be in effect from its passage.

Approved March 2, 1872.

CHAPTER 356.

AN ACT to amend an act, entitled "An act to prevent justices of the peace in Kenton county from holding inquests in certain cases," approved March 22, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to prevent justices of the peace in Kenton county from holding inquests in certain cases," approved March 22, 1871, be, and the same is hereby, so amended, that the provisions of said act shall not apply to the third, fourth, and fifth justices' districts in the county of Kenton; but the justices in said districts shall have the same power to hold inquests as if said act had never been passed.

§ 2. That this act shall take effect from and after its passage.

Approved March 2, 1872.

CHAPTER 357.

1872.

AN ACT to amend an act, entitled "An act to incorporate the Grand Central Industrial Exposition," approved February 16th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The bonds authorized to be issued by said company may be of the denomination of one hundred dollars, five hundred dollars, or of one thousand dollars, as may seem most expedient to the board of directors; and bonds of each kind may be issued by said company, but the whole number of bonds not to exceed the limit imposed by the act to which this is amendatory.

§ 2. This act to take effect from its passage.

Approved March 2, 1872.

CHAPTER 358.

AN ACT to amend section 39th of the city charter of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 39th of the city charter of Owensboro, Kentucky, be, and the same is hereby, amended as follows, to-wit: That after the first day of April, 1872, in addition to the fees now allowed as compensation to the city judge of said city, he shall be entitled to an annual salary of three hundred and fifty dollars, payable quarterly out of the city treasury of said city.

§ 2. This act shall take effect from and after its passage.

Approved March 2, 1872.

CHAPTER 359.

AN ACT to incorporate the Christian County Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established in Hopkinsville, Kentucky, a deposit bank, which shall be a body-politic and corporate, by the name of the Christian County Bank; and shall have power and authority by that name to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and may have and use a common seal, and alter and change the same at pleasure.

Name and
style.

1872.
Directors.

Corporators'
names.

Election of di-
rectors.

§ 2. That the property, business, and affairs of said bank shall be under the management, government, and control of a board of five directors, one of whom shall be elected president of the board; and that D. B. Owsley, G. A. Champlin, R. T. Petree, James M. Foard, and Jo. F. Foard are hereby constituted a board of directors of said bank, to serve as such until others are duly elected and qualified; and should any of the persons above named fail or refuse to qualify and serve as directors, his or their place or places may be declared and treated as vacant, and the vacancy may be filled by the remainder; and all vacancies occurring in the board of directors may be filled, and when filled, they shall provide for an election of directors by the stockholders within one year from the organization of the company, and every year thereafter at the office of said bank, in the city of Hopkinsville, notice of which shall be given to all the stockholders; said election shall be held by three stockholders, appointed by the board of directors, who shall certify the result for record on the books of the bank; those having received the highest number of votes shall be declared duly elected; each stockholder to have one vote for each share of stock he or she may own, and may cast the same in person or by proxy; the board may regulate the form of proxy in casting the vote; and the board of directors shall consist entirely of residents of the State of Kentucky, and shall be stockholders in said bank.

Capital stock.

§ 3. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said board of directors, or any three of them, may open books and receive subscriptions for the capital stock, and when two hundred and fifty shares shall have been subscribed, it shall be their duty to give notice in one newspaper published in said city of Hopkinsville, requiring said stock to be paid in according to the terms upon which the same has been subscribed; and when said two hundred and fifty shares shall have been paid in, or \$25,000 in money, and an affidavit has been made to that effect by the president before the clerk of the Christian county court, said bank may proceed to transact a general banking and financial business; and may loan money, discount promissory notes, buy and sell stocks, bonds, promissory notes, and other securities; and the promissory notes made negotiable and payable at its banking house, which may be discounted by said bank, and inland bills of exchange which may be discounted or purchased by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and a like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers, or other parties thereto; but

Corporate
powers.

said bank in loaning money, by discount or otherwise, shall do so in accordance with the provisions of an act, entitled "An act to amend chapter 53 of Revised Statutes, title 'Interest and Usury,'" approved March 14th, 1871.

1872.

§ 4. The payment for the shares subscribed shall be as follows : five dollars on each share at the time of subscribing, and twenty dollars within ten days after the publication of the notice required in the preceding section, and the residue in installments of twenty-five dollars on each share every thirty days : *Provided*, That after twenty-five thousand dollars shall have been paid in, so that said bank may commence business, the board of directors shall have power to prolong the payment of the residue ; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some newspaper in said city for thirty days, said directors may, by resolution entered upon their records, forfeit such stock, and resell the same at such time as they may deem expedient ; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation.

Manner and
time of paying
for stock.

Failure to pay
for stock may
work forfeiture.

§ 5. Said bank may acquire and hold, possess and use, occupy and enjoy, all such real and personal property, goods, chattels, or other things, as may be necessary and convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debts, judgments, or decree, or which it may purchase in satisfaction of the same ; and it shall be the duty of said bank, during the first week in each year, to pay into the Treasury of this Commonwealth, for the benefit of the revenue proper, fifty cents on each one hundred dollars of capital stock subscribed for in said bank, which shall be in full of tax or bonus to the State ; but all owners of stock in said bank shall list the same for taxation for county and city purposes ; and shall for such purposes pay the same rate of tax thereon, and in the same manner, as on other property subject to taxation for such purposes in the county or city in which the owner of said stock may reside, but not elsewhere. The property owned by said bank (other than its own capital stock) shall be subject to taxation for county and city purposes in the same way, and to the same extent, as other property in the county or city in which it may be located.

May acquire
and hold real
and personal
estate.

State tax.

§ 6. The said bank shall have power to make advances on approved securities of any kind ; and it may receive stocks, bonds, and other things in pledge for the security of loans or debts owing, and sell stocks and bonds on non-payment of debts or demands at the stipulated time of payment, in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of

Additional
corporate pow-
ers.

1872. Kentucky," approved March 16th, 1871; said bank may receive deposits of gold, silver, bank notes, United States Treasury notes, or other currency, and pay the same in kind or as may be agreed upon by a special or general contract; and may allow interest on deposits not to exceed the rates allowed by the laws of this Commonwealth; it may issue certificates of credit, payable throughout the United States or elsewhere, for the convenience of merchants or travelers; but shall not issue any notes or bills to circulate as money.

Direct-
ors may make
by-laws, rules
and regula-
tions.

Penalty for
fraud in any
officer.

§ 7. The board of directors of said bank are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations, for the management, government, and control of its property, business, and affairs, as they may deem expedient, not in violation of the laws and Constitution of the United States and the State of Kentucky; and alter, amend, and repeal the same at will; and shall specify therein the number of directors necessary to constitute a quorum for the transaction of business. They may appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums for their services, and take from them bonds in such penalties to secure the faithful performance of their duties, as they may think reasonable and proper; and upon bonds thus taken recovery may be had for breaches of the contract thereof. If any officer or employee of said bank shall appropriate any funds of said bank to his own use, or shall willfully fail to make correct entries, or knowingly make false ones upon the books of said bank, with intent to cheat or defraud said corporation, or other person, such officer or employee shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of this Commonwealth for a period of not less than two nor more than five years.

§ 8. The stock of said bank shall be deemed personal property, and shall be transferred only on the books of said bank in accordance with such rules as the board of directors shall, from time to time, prescribe.

§ 9. This act shall remain in force thirty years from the first organization of said bank, provided it is organized within one year from its passage.

Cashier to
make report of
condition.

§ 10. The cashier of said bank, at least once in each year, shall make, under oath, a full and detailed statement of its assets and liabilities, and publish the same in some newspaper of general circulation among the stockholders.

§ 11. No certificate of stock shall be issued, unless actually subscribed for on the books provided for that purpose, and said subscription is actually paid in.

§ 12. The right to alter, amend, or repeal this act is hereby reserved. 1872.

§ 13. The indebtedness of said bank, over and above that incurred for deposits shall at no time exceed their cash paid up capital.

§ 14. This act shall take effect from its passage.

Approved March 2, 1872.

CHAPTER 361.

AN ACT to incorporate the trustees of the Washington Scientific School, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following citizens of Mason county, viz : Basil Owens, Wm. H. Durrett, Thomas Parry, George Wood, Robert M. Marshall, Robertson R. Maltby, and E. N. Elliot, be, and they are hereby, created a body-corporate and politic, by the name and style of the Trustees of the Washington Scientific School, with all the powers, rights, privileges, and immunities enjoyed by any literary institution in this State; may use a common seal, sue and be sued, and shall have perpetual succession. Vacancies in the board shall be filled by the remaining members, unless as hereinafter provided.

Corporators' names.

Corporate name and style.

§ 2. The object of this corporation shall be the building and sustaining in the town of Washington, Mason county, Kentucky, an educational institution of a high grade, exclusively for the white race.

Object of corporation.

§ 3. This corporation is hereby vested with all the grounds, buildings, property, rights, claims, and debts, formerly known as the court-house and grounds, and offices, in the town of Washington, or accruing from the same, and the seminary property or accruing profits, all the property, claims, and debts heretofore vested in the trustees of the town of Washington for educational purposes, or accruing from the same, with full power to demand, collect, receive, and use, for the benefit of the school, all such property and funds as herein designated, as also all donations, bequests, and devises for educational purposes.

Rights and powers.

§ 4. It is further provided, that if the patrons of the school shall elect to endow it, or to raise funds for building purposes, or for furnishing the same, or for providing apparatus, library, cabinets, or other educational facilities, said trustees shall determine the minimum amount to be thus raised by subscription of stock in shares of twenty-five dollars per share, certificates to be issued to each subscriber on full payment of his subscription, the stock to be transferable on the treasurer's books; and when such

Patrons may endow school.

1872. amounts as have been subscribed shall have been fully paid up, the election of trustees shall devolve upon the stockholders; each share shall entitle the holder to one vote. The election shall take place annually on commencement day, two trustees to be elected each year.

Election of
trustees.

§ 5. The principal of the institution shall be *ex-officio* a member of the board of trustees.

§ 6. Should there be no election at the regular time for any cause, the sitting members shall hold over until their successors shall be elected and qualified.

§ 7. This act shall take effect and be in force from its passage.

Approved March 2, 1872.

CHAPTER 362.

AN ACT for the benefit of the county of Nelson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby authorized to draw his warrant on the Treasurer of this State in favor of the county of Nelson for the sum of one hundred and fifty-three dollars and fifteen cents, payable out of any money in the Treasury not otherwise appropriated, being so much incurred by said county in caring for pauper lunatics.

§ 2. This act shall be in force from its passage.

Approved March 2, 1872.

CHAPTER 363.

AN ACT for the benefit of Thos. A. Ireland, clerk of the Owen county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thos. A. Ireland, clerk of the Owen county court, shall be released from the payment of one hundred and eighteen dollars and thirty-nine cents damages; adjudged against him in the Franklin circuit court, upon the condition that he pay into the Treasury the judgment rendered against him in said court for five hundred and ninety-one dollars and eighty-five cents, with interest from the third day of July, 1863, until paid, and seven dollars and ninety-five cents costs of suit, in three equal annual installments from the date of this act.

§ 2. That this act shall take effect from its passage.

Approved March 2, 1872.

CHAPTER 364.

1872.

AN ACT for the benefit of William W. Burns, late sheriff of Robertson county, and his sureties.

WHEREAS, Judgment was rendered in the Franklin circuit court against William W. Burns and A. S. Miller, Nimrod A. Tilton, and John Murry, as his sureties, for the balance of the unpaid revenue for the year 1869, and damages and costs thereon; and whereas, said A. S. Miller, Nimrod A. Tilton, and John Murry, sureties of said Burns, have fully paid up the said judgment, with interest, costs, and commissions, leaving due thereon the damage only; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said William W. Burns, sheriff of Robertson county, and his sureties, A. S. Miller, Nimrod A. Tilton, and John Murry, his co-defendants and sureties, be, and they are hereby, released from all obligation to pay the damages aforesaid, or any part thereof.

§ 2. This act shall be in force from and after its passage.

Approved March 2, 1872.

CHAPTER 365.

AN ACT to change the time for the election of president and directors of the Christian County Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for the election of president and directors of the Christian County Agricultural and Mechanical Association be changed from the first Monday in May to the first Monday in March of each year.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 2, 1872.

CHAPTER 366.

AN ACT to amend the charter of the Central Kentucky Stock, Agricultural, and Mechanical Association, in Boyle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Central Kentucky Stock, Agricultural, and Mechanical Association be, and the same is hereby, so amended, as to authorize the president and directors of said association to call a meeting of the

1872. stockholders on the first Saturday in March next, and annually thereafter, for the purpose of electing a president and directors of said association.

§ 2. This act shall take effect from its passage.

Approved March 2, 1872.

CHAPTER 367.

AN ACT supplemental to an act, entitled "An act for the benefit of Knox county," approved March 20th, 1871.

WHEREAS, By the provisions of an act, entitled "An act for the benefit of Knox county," approved March 20th, 1871, Knox county is exempted from the payment of certain guard claims, and the sheriff of said county directed to pay them out of the revenue due from said county for the year 1871; and whereas, the amount directed to be paid is insufficient by fifty-three dollars to pay off said guard claims,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Knox county pay the persons entitled thereto the sum of fifty-three dollars, in addition to the sum directed to be paid to guards by an act, entitled "An act for the benefit of Knox county," approved March 20th, 1871, out of the revenue due from said county for the year 1871; and the Auditor of Public Accounts is directed to credit said sheriff with said amount upon settlement of his account for the revenue of Knox county for the year 1871.

§ 2. That this act shall be in force from its passage.

Approved March 2, 1872.

CHAPTER 368.

AN ACT for the benefit of Samuel Ellis and others.

WHEREAS, Judgment was rendered in the Franklin circuit court against the sheriff of Lewis county and his sureties for the balance of the revenue unpaid for the year 1870, and damages and costs thereon; and whereas, said Samuel Ellis, late sheriff aforesaid, has paid the said judgment; principal, interest, costs, and commission has been fully paid off, except the damages aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Samuel Ellis, late sheriff as aforesaid, and

his sureties and co-defendants, be, and they are hereby, released from all obligation to pay the damages aforesaid.

1872.

§ 2. This act shall take effect from its passage.

Approved March 2, 1872.

CHAPTER 369.

AN ACT for the benefit of John M. Thomas, of Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of John M. Thomas, of Grayson county, for the sum of twenty-five dollars and fifty cents (\$25 50) for conveying Wm. Wilhite to the House of Reform, under an order of the Grayson circuit court, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall be in force from its passage.

Approved March 2, 1872.

CHAPTER 370.

AN ACT to amend an act, entitled "An act to revise the laws relating to the public schools and academy of the city of Newport;" approved February 17th, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to revise the laws relating to the public schools and academy of the city of Newport," approved February 17, 1860, be so amended, that for the purpose of constructing additional school buildings for the common schools and academy of the city of Newport, the school board of said city is authorized to borrow money and issue its bonds to an amount not exceeding forty thousand dollars, bearing not over seven and three tenths per centum per annum, payable in ten to twenty years, at the discretion of said school board, from their date; the said bonds shall be signed by the president and countersigned by the clerk of the school board of the city of Newport, but the coupons for interest attached to said bonds shall be signed by the clerk of the board only, and payable semi-annually; the bonds and coupons shall be payable at such places as the board may determine, and shall be exempt from taxation for local or municipal purposes, which bonds may, by said board, be sold or hypothecated.

School board may borrow money, and secure the same by bonds.

1872.

Special tax to
be set apart to
pay said bonds.

§ 2. That for the payment of said bonds, all of the property held by said school board for said common schools and academy, and so much of the special tax now levied, and authorized to be levied, in said city, for the common schools and academy of said city, is pledged for the payment of the principal and interest accruing upon said bonds, as is necessary to pay the same. It shall be the duty of the said school board to create a sinking fund from the revenue received for school purposes sufficient to pay the said bonds at maturity.

§ 3. This act shall take effect from and after its passage.

Approved February 28, 1872.

CHAPTER 371.

AN ACT in relation to the sale of spirituous liquors in Owsley county.

WHEREAS, The question of retailing spirituous liquors in Owsley county was submitted to the legal voters of said county at the August election, 1871, held in said county, and a majority of said voters voted against the granting of license to retail spirituous liquors in said county, as appears by the certificate of the clerk and judge of the Owsley county court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for the county judge of Owsley county, or the board of trustees of any incorporated town in Owsley county, after the passage of this act, to grant a license to any tavern-keeper, merchant, saloon-keeper, or any one else, to retail spirituous liquors of any kind in the county of Owsley.

§ 2. That any person or persons guilty of violating the first section of this act shall, upon conviction under an indictment by the grand jury of said county, be fined not less than twenty nor more than sixty dollars for each offense, at the discretion of the jury.

§ 3. This act shall be given in charge to the grand jury of said county by the circuit judge at each term: *Provided*, That the provisions of this act shall not apply to distillers.

§ 4. This act to take effect from its passage.

Approved February 28, 1872.

CHAPTER 372.

1872.

AN ACT in relation to the office of the Quarter-Master General.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Quarter-Master General's office be, and is hereby, continued upon its present footing, with the same clerical force, and at the same salaries, for the period of two years from and after the 16th day of February, 1872.

§ 2. This act to take effect from and after its passage.

Approved March 2, 1872.

CHAPTER 373.

AN ACT for the benefit of Harrison Berry, of Nicholas county.

WHEREAS, It appears to this General Assembly, by judgment and order of the county court of Nicholas county, that Harrison Berry, a citizen thereof, has paid taxes by mistake on one hundred and four acres of land, at the rate of thirty dollars per acre, for the years 1868, 1869, 1870, and 1871, and said mistake was not discovered until ———, 1872; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of this State be, and he is hereby, authorized to draw his warrant in favor of Harrison Berry, upon the Treasury of this State, for the amount of State taxes paid by mistake, as above set forth, by said Harrison Berry, for the years 1868, 1869, 1870, and 1871, on said one hundred and four acres of land, at the rate of thirty dollars per acre; and the Treasurer shall pay the same out of any funds in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1872.

CHAPTER 374.

AN ACT for the benefit of the female seminary of the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said female seminary, or their successors in office, be authorized to purchase ground in the city of Paducah, and erect thereon buildings, and furnish the same (to be used as school-houses in such man-

1872. ner as said trustees may, in their judgment, think best), out of any fund in the hands of said trustees, or that may hereafter be received by them, that may not be necessary for the use of said female seminary, in the judgment of said trustees.

§ 3. That said ground, buildings, &c., be under the control and management of said trustees of said female seminary, subject to all the laws and regulations that are or may be applicable to said female seminary.

§ 3. This act to take effect from its passage.

Approved March 2, 1872.

CHAPTER 375.

AN ACT for the benefit of the University of the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said University, or their successors in office, be authorized to purchase grounds in the city of Paducah, and erect thereon buildings, and furnish the same (to be used as school-houses in such manner as said trustees may, in their judgment, think best), out of any fund in the hands of said trustees, or that may hereafter be received by them, that may not be necessary for the use of said University, in the judgment of said trustees.

§ 2. That said ground, buildings, &c., be under the control and management of said trustees of said University, subject to all the laws and regulations that are, or may be, applicable to said University.

§ 3. This act to take effect from its passage.

Approved March 2, 1872.

CHAPTER 376.

AN ACT amending an act, entitled "An act to incorporate the Female Literary and Benevolent Institution of Nazareth, near Bardstown."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved December 29th, 1829, entitled "An act to incorporate the Female Literary and Benevolent Institution of Nazareth, near Bardstown," is hereby amended, and the board of trustees of the Nazareth Literary and Benevolent Institution shall have power, and are hereby authorized, to establish branch institutions in or out of this State for literary or benevolent purposes, infirmaries and asylums; and for any of said purposes may acquire, by purchase or otherwise, any real or personal

estate in or out of this State; and may sell, convey, and dispose of the same at pleasure; and all acquisitions of estates heretofore made by said corporation for any of said purposes in or out of this State, is hereby legalized and declared to be valid.

1872.

§ 2. That so much of said act of December 29, 1820, as provides that the rents and proceeds of said corporate body shall at no time exceed the amount of ten thousand dollars annually, be, and the same is hereby, repealed.

§ 3. This act shall take effect and be in force from its passage.

Approved February 28, 1872.

CHAPTER 377.

AN ACT authorizing the trustees of the Baptist Church of Lick creek, in Gallatin county, to sell and convey certain land belonging to said church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Baptist Church of Lick creek, in Gallatin county, be, and they are hereby, authorized to sell and convey the two-acre lot of ground on Big Lick creek, Gallatin county, Kentucky, belonging to said church, and being the same property that was conveyed to said church by James Fenwick, by deed bearing date January 29th, 1830; or if said property has already been sold by said trustees, then they are hereby authorized and empowered to convey the same to the purchaser by deed. A majority of said trustees shall be sufficient to make said conveyance.

§ 2. This act shall take effect from its passage.

Approved February 28, 1872.

CHAPTER 378.

AN ACT for the benefit of school district No. 26, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the Carlisle district, No 26, of common schools, in Nicholas county, be, and they are hereby, authorized to finish and cause to be taught a common school in said district, for the year beginning June 30th, 1871, after June 30th, 1872, and to finish the same before January 1st, 1873; and they shall be entitled to draw the full amount from the common school fund as if said school in said district 26 was taught within the school year as now regulated by law; and the Superin-

1872. tendent of Public Instruction is hereby directed to pay the same as above set forth.

§ 2. This act shall take effect from its passage.

Approved February 28, 1872.

CHAPTER 379.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful
to grant license
to sell liquors
in Morgantown

§ 1. That it shall be unlawful for the county court of Butler county, or any person, to grant a license to any person or persons to sell spirituous, vinous, or malt liquors in the town of Morgantown, or within one half mile of the corporate limits thereof.

Penalty for
violation of
law.

§ 2. That any person or persons who shall sell, give, or loan any spirituous, vinous, or malt liquors within the corporate limits of the town of Morgantown, or within one half mile thereof, shall be deemed guilty of keeping a tippling-house, and shall be fined not less than sixty nor more than one hundred dollars for every offense; such fines may be recovered by indictment of the grand jury, or by warrant issued by the police judge of the town of Morgantown, or by the judge of Butler county: *Provided*, That the provisions of this act shall not apply to any person or persons who may have a license to sell liquors at the date of the passage of this act, until said license shall have expired; nor shall it prohibit druggists from selling, upon the written prescription of a regular practicing physician in good standing in Butler county.

Question of
license or no li-
cense to be
voted on by cit-
izens.

§ 3. That the trustees of said town of Morgantown shall cause a poll to be opened in said town at the August election, in 1872, and the qualified voters in said boundary shall vote upon the question "for or against prohibition" and if a majority of votes cast shall be in favor of prohibition, then this act shall take effect. Said votes shall be taken at the place, and in the manner, of other elections.

Approved February 28, 1872.

CHAPTER 380.

1872.

AN ACT authorizing the trustees of Bardstown to levy a tax for the purpose of purchasing a school-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of Bardstown may purchase grounds not exceeding five acres, and erect thereon suitable buildings for school purposes, or they may buy for school purposes such grounds, with buildings thereon already erected, as to them shall seem fit; the cost thereof not to exceed five thousand dollars.

Board of trustees may buy property for school purposes

§ 2. And to enable them to pay for such grounds and buildings, the board of trustees may issue the bonds of the board of trustees of Bardstown, payable at a period not exceeding ten years from date, bearing interest at a rate not exceeding ten per centum per annum, and payable semi-annually.

May issue bonds to pay for same.

§ 3. To pay said bonds and the interest to accrue thereon, the board of trustees of Bardstown shall annually levy a tax not exceeding twenty-five cents upon each one hundred dollars valuation of real and personal property in said town owned by the white citizens thereof, or by white persons who may be now residents of said town, to be levied and collected as the revenues of said town are levied and collected.

Shall levy tax to pay bonds.

§ 4. But in order to enable the board of trustees to execute the powers herein given, it shall be made the duty of said board to submit to the qualified white voters of said town, at their next election for trustees of said town, the question whether said tax shall be levied; and if a majority of the white voters vote for the tax, then the trustees shall be vested with the powers here given; but should a majority of the white voters of said town vote against said tax, then the trustees shall not exercise the powers herein contained.

Question of tax to be submitted to voters of said town.

§ 5. Said school property, when purchased or erected, to be used for the education of white children exclusively.

§ 6. The trustees of said town shall have authority to make all necessary rules and regulations for the good government of said school.

§ 7. Public notice of the question to be submitted as aforesaid shall be given at least twenty days before the election, by printed notices posted at the court-house door, and at least twenty other of the most public places in said town.

Notice of election to be given

§ 8. This act shall be in force from its passage.

Approved February 28, 1872.

1872.

CHAPTER 381.

AN ACT to incorporate the town of Kingston, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

**Town incor-
porated.**
Trustees.
**Name and
style.**

§ 1. That the town of Kingston, in Madison county, is hereby incorporated, and its municipal affairs shall be vested in three trustees, who shall be elected annually on the second Monday in May, by the legally qualified voters of said town. The said trustees, and their successors in office, shall hold their offices for one year, and they shall be a body-politic and corporate, known by the name and style of the "Trustees of the town of Kingston;" and by that name shall be capable of contracting and being contracted with, suing and being sued, and pleading and being impleaded with, in all the courts of this Commonwealth; and before entering upon the discharge of their duties, they shall each take an oath before a justice of the peace that they will faithfully, and without partiality to any one, discharge their duties as trustees while in office.

**Election of
trustees.**
**Trustees to lay
off said town.**

§ 2. The first election of trustees under this act shall take place on the second Monday in May, 1872, after a written notice set up at four of the most public places in the town of Kingston, at least ten days before the election; and Thomas E. Gates, Whitfield Moody, John W. Stivers, A. Barnett, and Wm. A. Coffey, or any three of them, are hereby authorized to hold said election; and the three persons receiving the highest number of votes shall be declared by said judges to be duly elected trustees. Within sixty days after the first trustees are elected and qualified, they shall proceed, with the assistance of a surveyor, to lay off the corporate limits of said town, which shall not exceed one mile square; and within five days after it is so laid off they shall cause to be recorded in the clerk's office of the Madison county court a complete map of said town.

**Powers of
trustees.**

§ 3. The said trustees shall select one of their number chairman, who shall preside at their meetings, and have power to convene the board; and they shall have power to levy a tax of not more than one dollar on each poll within its corporate limits, and a tax of not more than twenty-five cents on each one hundred dollars' worth of property in said town subject to taxation; and all forfeitures and taxes collected under the laws of said town shall be paid into the treasury of said town, to be used by the trustees for the public good thereof.

**Police judge
and marshal—
when and how
elected, & their
powers.**

§ 4. That on the same day that an election is held for trustees, there may also be held, once in every two years, an election to select a police judge and town marshal for said town; and said police judge and town marshal shall qualify and give bond; and the police judge shall have

the same jurisdiction in civil cases that a justice of the peace has, and the same power and jurisdiction in criminal cases given by general law to such officers.

1872.

§ 5. Trustees authorized by this act must reside within the town limits; but persons who reside outside the town limits, but own property in the town, shall have the right to vote in all elections.

Qualification
of voters and
trustees.

§ 6. In all matters not inconsistent with this act, the general law relating to towns in chapter one hundred of the Revised Statutes of Kentucky shall apply to the said town of Kingston.

§ 7. This act shall take effect from its passage.

Approved March 4, 1872,

CHAPTER 383.

AN ACT to incorporate the Paducah and North Ballard Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated and created a body politic, with perpetual succession; and by the aforesaid name may contract and be contracted with, sue and be sued, answer and be answered, &c.; with power to acquire, hold, use, and possess all such real and personal estate as may be necessary or convenient to construct a road from Paducah to Woodville, with power to branch to Hinkleville or Metropolis, or both, whenever the president and directors of said road may see proper and deem it expedient to do so; and said company may make and ordain all such rules and by-laws as may be proper for the construction or repair of said road, and the management of its prudential and financial concerns.

Corporation
created.

May make by-
laws, &c.

§ 2. That the width of said road shall not be less than forty-five feet at any point, and the artificial part of gravel, stone, or plank shall be fixed by the directors, as also the grade of said road; and said company shall have the right to construct bridges over the different creeks crossing said road.

Width of road.

§ 3. After three (3) miles of said road shall have been completed, said directors may establish a toll-gate at such point on said road as they may think right; and may thereafter, as the road is completed, establish other toll-gates, at intervals of four (4) miles or more, as the directors may determine, and apply the tolls, after deducting a sufficient amount to keep the finished part of the road in order, to the further construction of the road, or they may distribute the same as dividends to the stockholders. At all of said gates the rates shall be prescribed by the

May erect toll-
gates and col-
lect tolls.

1872. directors, not to exceed the rates fixed by the Revised Statutes.

May have
right to con-
demn lands, &c.

§ 4. The president and directors, or their engineer, shall have the right to enter upon any lands, and survey out said road, and examine any gravel pits or timber necessary for the construction and repair of same, on any lands adjoining or near said road; and if no satisfactory agreement can be made with the owner for same, the president and directors, or a majority of them, may, by order, apply to the circuit court clerk of the county where the land lies, upon which the gravel or timber is situated, or the part of the road in regard to which the right of way is refused, whose duty it shall be to issue a writ of *ad quod damnum* to assess the damages which any such dissatisfied owner of any such land, gravel beds, or timber shall sustain; and the jury shall take into consideration, in assessing the damages, the advantages and disadvantages of said road. Said writ shall be directed to the sheriff of said county, and he shall, in five days after the writ, summon a jury of twelve men, qualified under the law as petit jurymen in civil suits, and each party shall have three challenges peremptory; said sheriff shall swear the jury, after they are selected, as they are directed to be sworn in other cases of writs of *ad quod damnum*, preside during the trial, issue subpoenas, swear witnesses, and decide all points of law presented on the trial, and shall return the writ to the circuit court clerk, with the verdict of the jury; and the said company, upon payment of the sum fixed in the verdict to the party claimant, his agent or attorney, or if he has no agent, by paying it to the clerk of said court for said claimant, or by tendering it to either of said parties, shall be vested with the right of way, and to control and use all gravel beds and timber so condemned as aforesaid. Either party may, within two days after the return of the writ, file exceptions as to the error in the amount assessed, and the clerk shall docket said exceptions as other cases at common law; but the said company shall not, in the meantime, be hindered in the prosecution of their work by the pendency of the exceptions after a tender; but may proceed and have all the rights to the same extent as if said sum had been accepted. The party who fails in sustaining his exceptions shall pay the costs, for which execution shall issue as in other cases; but the road shall pay the cost incurred on the trial of the original writ in the county. The rule laid down in Revised Statutes in regard to the selection of jurymen, in section seven, chapter eighty four, article one, shall apply in all cases arising under this act.

Commission-
ers' names.

§ 5. E. P. Jacob, C. Menard, W. H. Wilson, Robt. Muldrow, Jno. Sennott, Morris Maxon, Dr. Royster, Dr. G. W.

Shivell, George Ratcliffe, A. J. Ogilvie, and J. C. Small, 1872.
are hereby appointed commissioners to open books and receive subscriptions of stock to said road, either or all of whom may act. The capital stock of said road shall be one hundred thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 6. Whenever five thousand dollars or more is subscribed, public notice shall be given in some newspaper published in Paducah, for ten days, of the time and place of meeting of the stockholders, who shall have one vote for every share of stock, and may vote in person or by written proxy; and they shall proceed to elect a president and six directors, a treasurer and secretary, all of whom shall hold their office for twelve months, and until their successors are qualified. Elections shall thereafter be held annually at such times and places as the board of directors may direct, notice of which shall be given in some newspaper published in Paducah for five days before the election. The treasurer shall execute bond, with good security, for the discharge of such duties as the directors may impose upon him, and the safe-keeping and payment of all sums of money which he may receive to the order of the president and directors, upon which bond or covenant he and his securities may be sued for any breach. Said bond shall be filed with the county clerk of McCracken county, and by him safely kept; and each successive treasurer shall execute a like bond, to be approved by the president and directors, and filed as aforesaid. At the first or any subsequent annual meeting of the stockholders for the election of their president and directors, &c., they may also fix and determine the salaries to be paid their officers; and the sums thus fixed shall not be altered except by vote of the stockholders at some regular annual election.

Notice to be given of meeting of stockholders to elect officers.

Duties of treasurer.

Stockholders may fix salaries of all officers.

§ 7. As soon as said election is held, said president and directors shall constitute and be a body-politic and corporate, under the name and style aforesaid, and be vested with all the powers hereinbefore specified, and shall have perpetual succession, and have all the franchises usually granted to similar corporations.

§ 8. The president and directors shall have kept by the secretary a book showing all their proceedings; and shall meet at least every three months at such time and place as said president may direct, of which each director shall be notified; and a majority of directors shall constitute a quorum to transact business.

§ 9. As soon as the president and board is organized as aforesaid, they shall have the road located by a competent engineer, from Paducah to Woodville, as nearly as may be upon the bed of the old county road, and may branch to Hinkleville and Metropolis whenever they see proper.

1872.

Notice to be
given of calls
on stock.

Penalty for
failing to pay
call.

§ 10. The president shall give notice of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall fail to pay his amount of stock so called for, for the space of thirty days after it is due, it shall draw ten per cent. interest; and if not paid in six months, the stock of such stockholder shall be forfeited to the company; and the president shall sell said forfeited stock at public sale, and the proceeds shall go into the treasury of the company. No stockholder shall at any time vote after the first election who has not paid up all calls on his stock.

Penalty for
evading pay-
ment of toll.

§ 11. That if any person shall go around or turn off of said road with intent to avoid the payment of toll, he or they so offending shall be fined ten dollars, to be recovered by a warrant before any justice of the peace for the use of the road; and said judgment shall be collected as other judgments or fines are collected.

Approved March 1, 1872.

CHAPTER 384.

AN ACT to amend an act, entitled "An act to incorporate the Bowling Green and Madisonville Railroad Company," approved the 22d day of March, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporation
may extend
their road.

§ 1. That the corporation created by the act to which this is an amendment shall have power to extend their line of railway from Madisonville to any point on the Ohio river, in the direction of St. Louis, in the State of Missouri, which may be selected by said company or corporation for the terminus of said road on said river.

§ 2. Said corporation or company shall also have power and authority to extend their said road from the town or city of Bowling Green, eastwardly, to a point or points on the Tennessee State line, by way of Scottville, in Allen county, Kentucky, in the direction of Knoxville, Chattanooga, or Cumberland Gap, in the State of Tennessee, with a view to forming connections with the lines of railroad running from said point or points; and upon said company or corporation obtaining permission from the State of Tennessee, they may extend their line of railway to any point or points in said State.

May contract
for use of con-
necting roads.
Capital stock
may be in-
creased.

§ 3. Said corporation or company may contract for the use of any line or lines of railroad running from any of the termini of said road.

§ 4. The capital stock of said company may be increased, upon the location of said road or roads, to any

sum not exceeding thirty thousand dollars per mile to the extent of the road or roads so located.

1872.

§ 5. That when the subscription of stock to the amount or value of twenty-five thousand dollars shall have been made to the capital stock of said company, the commissioners shall give at least twenty days' notice thereof, in one or more newspapers published in Bowling Green, Madisonville, and Greenville, and assemble the subscribers at some suitable time and place, and such of them as shall have paid two dollars in cash upon each share of stock subscribed by them respectively shall proceed to elect from their own number nine directors for said company.

When \$25,000 in stock is subscribed, may call meeting of stockholders to elect officers.

§ 6. That no person shall be elected to the office of president or director for said company who does not own at least two shares of the capital stock thereof.

Qualification of officers.

§ 7. Should any county along the line of said proposed railroad, or through which the railroad will pass, vote to subscribe stock to said company, and consequently assess a tax to provide for the payment of the county bonds, and the interest that may accrue thereon, which may be issued in consequence of said vote, then any citizen paying county tax for the aforesaid purpose, and who has subscribed or owns stock in said company, may, at his or her option, lessen the amount of his or her individual stock, by paying same with his or her tax receipt for said railroad tax, and shall only receive stock certificates to the amount of money paid over and above said tax receipts presented.

Where counties subscribe stock, tax receipts to be taken as part payment of stock.

§ 8. That Dr. S. A. Jackson, Ephraim Welbourne, J. H. Reno, E. R. Metro, S. P. Love, Geo. Parks, H. D. Rothrock, John Kithinger, and Lot Pemrod, of Muhlenburg county; and Daniel Hunt, W. W. Read, H. B. Turner, Wm. Colman, and J. W. Mason, of Butler county; and T. H. Chapman, of Warren county; G. M. Mulligan, A. S. Walker, John H. Collins, T. Marion, John J. Gatewood, G. B. Woodcock, Samuel J. Read, B. W. Stone, Sebastian Heeter, Henry Cornwell, and Sidney W. Prewitt, of Allen county, are hereby made incorporators of said company, and constituted commissioners to open books and receive subscriptions of stock to the capital stock of said company, at such times and places, and upon such terms and conditions, as they may deem proper, and are hereby vested with all the rights and powers of the original incorporators mentioned in the act to which this is an amendment.

Corporators' names.

§ 9. Said company is hereby authorized and empowered to build any or all of the line of said railroad indicated by this act; and the provisions of this act, and the acts to which this is an amendment, shall apply to the locating, building, and operating said road, or any part thereof,

1872. which may be constructed by said company between any points on said line of railway mentioned in this act.

§ 10. This act to take effect from its passage.

Approved March 4, 1872.

CHAPTER 385.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Council may order condemnation of property.

Notice to be given to non-residents or absent owners of such proceedings.

Court to fix day for trial.

Upon payment of compensation, title to vest in city of Louisville.

§ 1. That in lieu of section ten of the charter approved 3d of March, 1870, entitled "An act establishing a new charter for the city of Louisville," the following law shall prevail concerning the condemnation of property for city purposes: That whenever, in the opinion of the general council, property shall be needed for municipal purposes, either within the boundaries of said city or the county of Jefferson, said council may, by ordinance, order the condemnation of such property. The proceeding for that purpose shall be instituted by the city attorney, either in the Jefferson court of common pleas or in the Louisville chancery court, and shall be carried on as near as may be as actions at law by ordinary proceedings; warning orders against non-residents, absent defendants, or unknown owners of property, must be published three times in one of the daily newspapers published in said city, the last publication at least ten days before the trial. The owners of distinct parts of one contiguous tract may all be included in one proceeding, or any one or more of them holding contiguous tracts may be proceeded against in a separate action. The courts shall make all such orders, rules, and judgments as will secure a fair trial by an impartial jury of not less than six freeholders of said city or county, and shall give precedence to these trials upon its docket as soon as the parties are before the court and the issues made up. The jurors shall be sworn truly and impartially to ascertain and determine by their verdict the amount of compensation each owner will be entitled to, if his land or property described in the petition is condemned.

§ 2. The court in which these proceedings are brought shall have power to assign a day for the trial of the case as soon as the petition is filed.

§ 3. Upon the return of the verdict the court shall enter judgment vesting title to the property described in the city of Louisville, said judgment to take effect upon the payment into court, by the city of Louisville, of the amount of money named in the verdict; but the city of Louisville shall have thirty days within which time to make said

1872.

compensation, and if not so made within said time, said city shall be deemed to have abandoned that condemnation, and that proceeding shall be dismissed at its cost, but without prejudice to any subsequent proceeding.

§ 4. That for the purpose of building an almshouse, workhouse, and pesthouse, the general council may, by ordinance, cause to be issued the bonds of said city, not to exceed the sum of two hundred thousand dollars in amount; said bonds shall be made payable not exceeding thirty years from date, and at such place as shall be designated in the ordinance or resolution authorizing their issue, not to bear interest more than the rate of seven per cent. per annum, payable semi-annually, for the payment of which interest coupons may be attached to said bonds. The said bonds shall be signed by the mayor of said city, under the corporate seal, and countersigned by the auditor of said city; the auditor shall also sign each of the coupons thereto attached.

Council may issue bonds to build almshouse, pesthouse, &c.

§ 5. That in lieu of section thirteen of the charter approved 3d of March, 1870, entitled "An act to establish a new charter for the city of Louisville," the following law shall prevail concerning the repairing and cleaning public ways, and making footway crossings: That for the purpose of repairing and cleaning the public ways, and making footway crossings, the city of Louisville is divided into an eastern and western district, the dividing line to be the property line on the west side of Third street; and the general council shall assess the expense of repairing streets, cleaning streets, and making footway crossings upon the property therein as it is assessed for other city purposes, to be collected in the same manner, not to exceed thirty cents on each one hundred dollars' worth of property annually. If the amount collected in any year shall not be expended for these purposes, the surplus shall remain to the credit of the district in which it was collected, and be applied to no other purpose than to diminish the assessment of the district in the ensuing year. Contracts shall be awarded to the lowest and best bidder for the work and materials used in each district, for repairing and cleaning public ways, and making footway crossings, separately or together, for such time as may be prescribed by ordinance, and good security required from the contractors.

For purpose of cleaning footways, &c., city is divided into two districts.

Council to assess tax to pay for said repairs, &c.

Contracts for said work to be given to lowest & best bidder.

§ 6. That for the purpose of paying a subscription made by the general council of the city of Louisville to the Chicago sufferers, the mayor of said city is authorized to issue and dispose of the bonds of said city sufficient to raise the sum of fifty thousand dollars in cash; said bonds shall be made payable, not exceeding thirty years from date, and at such place as shall be designated in the bonds, not to bear interest more than the rate of seven

May issue bonds to pay for subscription to Chicago sufferers.

1872. per cent. per annum, payable semi-annually; for the payment of which, interest coupons may be attached to said bonds. The said bonds shall be signed by the mayor of said city, under the corporate seal, and countersigned by the auditor of said city. The auditor shall also sign each of the coupons thereto attached.

Mayor made eligible for second term.

§ 7. That the following provision in section nineteen of the charter of the city of Louisville, approved 3d March, 1870, to-wit: "And he shall be ineligible to that office for the ensuing three years" be, and the same is hereby, repealed.

Council may increase salary of city attorney

§ 8. That the general council of said city shall have power to increase the salary of the city attorney of said city to any sum which, in the aggregate, shall not exceed the sum of six thousand five hundred dollars per annum.

May order improvements on property not laid off into squares.

§ 9. The general council shall have power to provide, by ordinance or resolution, for the improvement of public ways where the contiguous territory is not defined into squares by principal streets; but in the ordinance providing for the improvement of such public way, the depth on both sides fronting said improvement to be assessed for the cost of said improvement shall be stated, and the apportionment, when made, shall be according to the number of square feet owned by the parties respectively within the depth as set out in the ordinance.

Owners may have property improved under direction of city engineer, in such time as council may fix.

§ 10. That the following part of section 12 of the charter of said city, approved 3d March, 1870, to-wit: "But the owner or owners of lots liable to be assessed for the improvement of public ways, shall have the right to make the same or have the same done by private contract: *Provided*, The same be done by permission of the general council, and under an ordinance prescribing therefor according to the plans and specifications, and under the approval of the city engineer. If not so done, and within reasonable time, as determined by the mayor, it may be done by public contract," be, and the same is hereby, repealed; and in lieu thereof, it is provided that the general council may, in its discretion, upon the petition of a majority of property owners on the part of the street proposed to be improved, grant them permission to improve said public way under the supervision of the city engineer, and within such time as may be fixed by the general council.

Council may loan bonds of city to water-works company to enable them to extend mains.

§ 11. That for the purpose of enabling the water-works company to extend its mains to Portland and other portions of the city, the general council of said city is authorized to give or loan the bonds of said city to the amount of one hundred and fifty thousand dollars to said water-works company. The bonds so provided shall be made payable not exceeding thirty years from date, and at such place as shall be designated in the ordinance authorizing

their issue, not to bear interest more than the rate of seven per cent. per annum, payable semi-annually, for the payment of which interest coupons may be attached to said bonds. The said bonds shall be signed by the mayor, under the corporate seal, and countersigned by the auditor; the auditor shall also sign the coupons thereto attached.

1872.

[This act became a law by reason of the failure of the Governor to return the same within the constitutional period.]

CHAPTER 386.

AN ACT to amend an act incorporating the Public Library of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine of an act to incorporate the Public Library of Kentucky, which became a law March 16th, 1871, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

[This act became a law by reason of the failure of the Governor to return the same within the constitutional period.]

CHAPTER 387.

AN ACT to amend and reduce into one the several acts in relation to the town of Calhoon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Calhoon, in McLean county, be, and the same are hereby, changed and enlarged; and instead of the present, that the following boundaries shall hereafter comprise the corporate limits of the town, to-wit: Beginning at low-water mark on Green river, the southeast corner of the original corporate limits of the town, for a starting point; thence with the course of the east line of the original corporation north eight degrees west to the northeast corner thereof; thence the same course three hundred and ninety-six yards or seventy-two poles for a northeast corner of the town; thence north eighty-two degrees west, the course of the north line of the original corporate limits, to where said line will intersect the continuation of Ferry street; thence north seventy-five degrees west a straight line, the course of the north boundary to Humphrey's reserve, to the intersection of a line running the course of Branch street; thence north eighty-five degrees west a straight line, to a point where the west line of the original corporate limits continued will intersect for the northwest corner of the

Boundary.

1872. town; thence south five degree east with the course of the said west line of the original corporation to where it intersects with Second street; thence north eighty-five degrees west, the course of Second street, a straight line, to the middle of Long Fall's creek; thence down the same with its meanders to the mouth; thence up Green river, including the Calhoon mills, with meanders of Green river, to the place of beginning. This boundary may be surveyed, plotted, and laid off into streets and alleys by the proprietors of the lands therein; but the said lands shall not be subject to town taxes until so laid off, or otherwise improved as town property.

Qualified voters.

§ 2. All male inhabitants of the town bona fide, of the age of twenty-one years or over, within the limits herein established, not disqualified by law, shall be deemed qualified voters in all municipal elections held in said town.

Election of trustees, police judge, and marshal.

§ 3. An election shall be held in said town on the first Saturday in April, 1872, for a police judge, a board of five trustees, and a town marshal. The present trustees may appoint one judge, a clerk, and sheriff to hold said election.

Term of their several offices.

§ 4. The police judge and trustees shall hold office for the term of four years; the town marshal shall hold office for the term of two years; and they shall each continue in their respective offices until their successors shall be duly elected or appointed and qualified to supersede them, though it extend beyond the terms of office herein prescribed. The clerk of the town elections herein provided for shall keep a poll-book in the same manner and form as provided by law that poll-books shall be kept in all State elections; and the polls shall be opened and closed on the day of election as provided for in State elections. The

Duties of clerk of election.

Duties of judge, clerk, & sheriff of said election.

Manner of counting votes.

judge, clerk, and sheriff of election shall count the vote and certify to the board of trustees the parties elected, and that an election has been held by them according to law. The trustees shall then count the vote, and if the count of the officers of election is found correct, they shall give certificates to the officers elect, and cause the same to be recorded; but if the count is found to be incorrect to the extent that a change in the result of the election would occur upon making the correction, the clerk, judge, and sheriff of the election shall be summoned, and, together with the board of trustees, correct any mistake in the count, and certificates shall be given in accordance with the result of the election so ascertained to the officers elect; and upon the presentation to the Governor of a certified copy of such certificate, signed by the clerk and chairman of the board of trustees, he shall cause a commission to be granted to such elected police judge; and upon executing the bond required by law, and taking the

usual oath of office required by law, he shall be authorized to enter upon the discharge of the duties of his office.

1872.

§ 5. The marshal elect shall, before entering upon the duties of his office, execute a bond in the name of the Commonwealth of Kentucky, for the faithful and honest discharge of all the duties imposed on him by virtue of his office; and that he will well and truly pay to the proper authorities all taxes or revenues, from fines or other sources, that may come to his hands, belonging or payable to the said town of Calhoun, as well as to pay to each and every individual all moneys that may come to his hands in any way, by virtue of his office, that may be due or payable to said individuals. For any violation of his official duties or breach of his official bond he and his sureties shall be liable, and may [be] proceeded against by motion in the police court, in the same manner that officers of the county may be proceeded against in the circuit or quarterly courts on breach of their official bonds.

Duties and powers of marshal.

§ 6. The trustees elect may enter upon the discharge of their official duties as soon after they receive their certificates of election or appointment as the term of their predecessors shall expire, or a vacancy occur: *Provided*, They shall be first sworn by some officer authorized to administer oaths to well and faithfully, without fear, favor, or affection, and impartially, discharge the duties of trustees to the best of their ability; and at the first meeting of the board of trustees, the fact of each one having been duly sworn, and presented his certificate of election, shall be entered on the minute book or records before any other business is transacted by them; and the same minute shall be made upon any new member being elected or appointed to fill a vacancy.

§ 7. The trustees of Calhoun, in addition to the powers and authority granted to trustees of towns generally by the statutes, shall have power to levy an annual ad valorem tax of not exceeding fifty cents on each one hundred dollars in value of all the real estate, and not exceeding twenty-five cents on each one hundred dollars in value of all the personal property owned within the corporate limits of the town as herein established, and also to levy a poll tax of not more than one dollar on the head on every male inhabitant of the town over twenty-one years of age. They may also levy a tax, not exceeding one dollar, on each dog owned and kept within the corporate limits of the town; they may cause to be taken up and impounded any stray cattle, horses, mules, or hogs that may be found running at large in the streets; and upon notice to the owner (or if the owner is unknown, by notice posted on the court-house door and two other pub-

Powers and duties of trustees.

1872. lie places in town, for ten days) by the marshal, the stock so taken up may be publicly sold at the court-house door, and the proceeds of sale, after paying costs of sale and keeping, shall be paid into the treasury of the town: *Provided*, That should a non-resident, who had not received actual notice of the impounding of his stock before the day of sale, within six months from the day of sale tender to the purchaser the price paid, with fifteen per cent. thereon, he shall be entitled to redeem the said stock, and the amount received into the town treasury as proceeds of the sale shall be refunded to him, upon his paying to the treasurer five per cent. for his trouble in keeping and paying the same; and any money received into the treasury from the sale of non-residents' stock from the pound, shall not be used for any town purposes until after the expiration of six months from the day of sale. They may also charge and collect a town license tax upon each and every vendor of spirituous liquors within the corporate limits of the town, where the same is sold by the drink, of not less than twenty-five dollars nor more than fifty dollars per annum; and where it is sold by the quart, not more than five dollars per annum. No vendor of spirituous liquors shall be authorized to sell the same within the corporate limits of Calhoun without first obtaining a license from the trustees therefor.

Duties of
assessor.

§ 8. They may charge and collect a town license tax for every circus, menagerie, show, or public exhibition for profit, within or near the corporate limits of Calhoun, a sum not exceeding twenty-five dollars for each performance or exhibition, and may charge an extra tax on all side shows; they may also charge and collect a license tax on any stud, jack, or bull, kept within the corporate limits of the town for the purpose of making a season or stand, not exceeding the amount charged for the service of such animal to insure a foal; they shall appoint a suitable person for assessor and treasurer, whose duty it shall be, in the month of April in each year, to make true and impartial assessment of all the property within the limits of the town, liable to taxation under this act, and return the same to the trustees on or before the first day of May of each year, with his certificate that it contains a true and fair valuation of all the taxable property found by him within the corporate limits of the town. It shall be the duty of the treasurer to safely keep all moneys that may come to his hands by virtue of his office, and to pay the same out on the order of the trustees, and to account truly and faithfully to his successor in office, and pay over to him any balance that may be in his hands at the expiration of his term; and it shall be his further special duty to make out a semi-annual statement on the first days of January and

Duties of
treasurer.

July of each year, in writing, to the trustees, of all moneys received by him, and from what source, and all moneys paid out by him, with the vouchers on which he paid the same; and he is forbidden to pay any money belonging to the town without a sufficient voucher. A copy of the treasurer's report shall be posted up, when made out, on the court-house door, for the benefit of the public, and the original recorded and filed away for safe-keeping. Before the treasurer enters upon the discharge of his duties, he shall be required to execute a bond to the Commonwealth of Kentucky, with good and sufficient security, to be approved by the trustees, for the faithful discharge of his official duties, and the payment of all moneys of the town that may come to his hands, as the trustees may direct by their appropriate orders, and not otherwise. The treasurer shall keep a cash-book, in which he shall charge himself with all moneys received by him, showing from what source received, and credit himself by all moneys paid out by him, with reference to the proper voucher, by its number, on which the same was paid. Said cash-book shall belong to the town, and be designated the town cash-book, and always open to inspection, and shall be turned over to his successor when the treasurer shall vacate his office.

1872.

(9. The trustees may allow the treasurer, as compensation for services, a rate per cent. for paying out and preserving the vouchers not exceeding five per cent. on any money he may so receive and pay out; but he shall not be paid for any money he may turn over to his successor in office; they may also make him a reasonable allowance for making the assessment roll and assessing the town; they shall have power to grade and pave the sidewalks on Ferry street, and First, Second, and Third cross streets, and make convenient necessary crossings, and levy a tax on the property-owners in front of whose property the said improvements shall be made sufficient to pay for the same; and a lien is hereby created in favor of the said trustees on any property improved by said grading and paving the streets in its front, or adjoining thereto: *Provided*, That the owner or owners of property so situated may, by private contract, grade and pave in front of their own property, the work to be done under the supervision of the street inspector, and in a good and substantial manner, with good paving brick; but if not paid on due notice to the owner of the property in front of which the grading and paving shall be so done, within three months from time of its completion, the trustees may, by ordinance, direct the marshal to advertise the said property by metes and bounds, giving the name or names of the owners. the amount of paving tax due thereon, for twenty days, by notice, in writing, on the court-house door, and

Compensation
of treasurer.

Powers of
trustees over
streets, alleys,
&c.

1872.

two other public places in town, and then to sell such property at public outcry at the court-house door on some county or circuit court day, for cash, to the highest bidder; if of more value than sufficient to pay the said tax, then he shall sell only so much as will pay the tax and cost of sale; but the owner of any property so sold may, within twelve months after the day of sale, by tendering to the purchaser the amount by him paid for the property sold, and fifteen per cent. thereon, redeem the same.

§ 10. It shall be the special duty of the trustees to open and keep open, and in good condition, all the streets and alleys; and they may constitute the marshal street inspector, and require him to keep the streets open and free from obstructions, except such as may be necessary in building or repairing buildings; and they may, by ordinance, authorize him to remove obstructions, after notice to parties who may cause them, at their cost, and allow him a reasonable fee for his services, to be collected as part of the cost. The trustees are specially intrusted with the proper drainage of the streets and alleys, and shall keep the public wells in the town, outside of private or other inclosures, in good repair and condition. For the purpose of opening a new street or alley, or when more work is required than the revenues of the town will pay to make ditches or other work for the necessary drainage and grading, the male inhabitants of the town between the ages of sixteen and fifty years of age may be called out upon the same notice required to be given by surveyors of highways; and upon failure to be present, or being present and failing to work on the streets and alleys, shall be subject to the same penalties that hands notified to work on the highways of the county are subject to for failure to work on them, collectable by warrant in the police court; and the overseer or marshal may testify in the premises as to notice and work.

Jurisdiction of
police judge.

§ 11. The police judge shall have jurisdiction to hear and try all infractions of the town ordinances, violations of the charter, failure to discharge duty by any of the town officers, breach of official bonds, motions against the marshal and his sureties, and suits on the treasurer's bond, and all questions arising under the charter, where the jurisdiction is not, by law, conferred exclusively upon tribunals; he shall also have concurrent jurisdiction with a justice of the peace, and receive the same fees for his services allowed by law to justices of the peace; he shall reside in the town, and keep an office therein, and provide a docket and execution-book, and such other books and blanks as may be necessary for the use of his office, and turn them over to his successor at the expiration of his term, or when he vacates the office.

§ 12. The town marshal shall have the same authority and jurisdiction in McLean county as a constable, and receive the same fees for all similar services performed by him; and shall act as the special bailiff of the police court, and shall receive the same fees for his services as allowed to constables; and he shall attend to all the ordinances and mandates of the board of trustees to him directed; and may receive compensation for any such services performed by him in the manner and amount provided by the trustees.

1872.

Jurisdiction of
marshal.

§ 13. If from any cause a vacancy shall occur in the board of trustees of more than two members at any one time, the county judge of McLean county may appoint one or more persons to fill the vacancy, and shall give a certificate of appointment to the persons so appointed; but in any vacancy of less than three, the remaining trustees may select suitable persons to fill the vacancy, and give certificates to the persons selected.

Vacancies—
how filled.

§ 14. If from any cause a vacancy shall occur in the office of police judge before three years of his term shall have expired, the trustees shall order an election to fill the vacancy, and cause ten days' prior notice to be posted up in three public places in the town. If three years of his term shall have expired when the vacancy occurs, the trustees may select a suitable person to fill the unexpired term, and certify the same to the Governor, who shall commission the police judge so selected for the balance of the term.

§ 15. If at any time a vacancy shall occur in the office of marshal before one year of his term shall have expired, the trustees shall order an election to fill the vacancy as in the case of the police judge. If more than one year of his term shall have expired when a vacancy occurs, the trustees may appoint a successor to fill the unexpired term, and shall require the same bond, in form and conditions, to be executed, as is required of marshals elected.

§ 16. All fines and forfeitures prosecuted before the police judge, and recovered for breaches of the peace, or other misdemeanors committed within the corporate limits of the town, shall be paid into the town treasury; and all fines for breach or violation of the town ordinances, when collected, shall be paid into the treasury. The treasurer's receipt shall be taken by the marshal or other collecting officer for all moneys paid into the town treasury.

Fines and
forfeitures to
be paid into
town treasury.

§ 17. The treasurer shall hold his office for two years unless removed by the trustees. If he should be removed, they shall immediately appoint a successor. They may, by motion in the police court, proceed against the treasurer and his sureties at any term of said court by first

1872. giving ten days' previous notice thereof to each of them, and take judgment by default, if there is no defense made, for any sum or sums of money collected by the treasurer and not paid over under the provisions of this act.

§ 18. All acts or parts of acts in conflict with this act are hereby repealed.

§ 19. This act to take effect from its passage.

Approved March 4, 1873.

CHAPTER 389.

AN ACT to amend the charter of the city of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be the duty of the collector of taxes for the city of Maysville to make and return his annual list of delinquents to the city council of said city, at its regular annual monthly meeting on the first Thursday in December in each year; and all persons who have been assessed for taxation, and shall not have paid the taxes assessed against him for that year, on or before the said first Thursday in December, and received his receipt from the collector therefor, as required by the charter of said city, shall be ineligible to vote at the next regular annual election for councilmen or other officers of said city; and it shall be the duty of the clerk of said city to make out and furnish the officers of said election, at each of the polls in said city, a copy of said delinquent list, and said officers shall not admit to vote at said election any person whose name shall appear on said delinquent list, or who cannot produce a receipt showing that his taxes were paid on or before such preceding first Thursday in December; and if any collector or clerk shall ante-date any tax receipt, or alter any delinquent list, with the fraudulent intent or corrupt purpose of enabling any person to vote who would not otherwise be entitled to vote, he may be indicted in the circuit court, and fined not less than twenty nor more than one hundred dollars.

§ 2. This act shall be in force and take effect from its passage.

Approved March 5, 1872.

CHAPTER 390.

1872.

AN ACT to incorporate the Franklin Academical Institute.

WHEREAS, Sundry citizens of the town of Bridgeport, Franklin county, Kentucky, and the vicinity thereof, desirous of establishing a first-class high school, have, for that purpose, united and made arrangements for carrying into successful operation the purpose aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. J. Russell Hawkins, Benjamin Exum, Jno. W. Jackson, and John H. Reddish, heretofore chosen as a board of trustees, shall be, and they are hereby, constituted a body-politic and corporate, by the name and style of the "Franklin Academical Institute."

Trustees' names.

§ 2. That the board of trustees aforesaid, and their successors in office, shall have perpetual existence by the name and style aforesaid; shall have power to use a corporate seal, and change and alter the same at pleasure; but it shall not be necessary for the said corporation to procure a corporate seal, but may authenticate its acts by the signature and seal of the president, attested by the secretary; shall have power to receive and hold, for the benefit of said institute, any lands, tenements, hereditaments, moneys, goods, or choses in action, by gift, donation, devise, contract, or purchase, heretofore or hereafter to be had or made, as the board of trustees may deem necessary for the purposes aforesaid, and may dispose of the same at pleasure; to ratify any contracts heretofore made by the board of trustees; to make any contracts or agreements; to issue the bonds of said corporation in any amount the said board may deem necessary; to sue and be sued in their corporate name; to plead and be impleaded in any court of law or equity in this State; and to do and perform all such acts as any similar institution is permitted to do or perform. *Provided*, They be not contrary to the laws of this State or of the United States.

Corporate style.

May have corporate seal.

Corporate powers.

§ 3. That the capital stock of said corporation shall not exceed twenty-one thousand dollars, to be divided into shares of fifty dollars each; one thousand dollars of which shall be subscribed before said board of trustees proceed to act under this charter.

Capital stock.

§ 4. That books for the subscription of stock shall be opened at such places and at such times as the board of trustees shall direct; three commissioners to be appointed by the board of trustees to open said books, any two of whom may act. The subscribers must enter into an obligation of the following import: "We promise to pay to the Franklin Academical Institute fifty dollars for every share of stock set opposite to our names, to be paid in

May open books for subscription of stock.

1872. such manner and proportions, and at such times, as may be required of us by the board of trustees of said institute."

May issue bonds and provide for payment of same. § 5. That said board of trustees shall have the power to issue, to an amount not over two thirds of the stock subscribed, coupon bonds of said corporation of five hundred dollars each, payable not exceeding twenty years after date, bearing interest at the rate of ten per cent. per annum, payable semi-annually, said bonds to be signed by the president and countersigned by the secretary of the board of trustees, and the bonds and coupons to be made payable at the Farmers' Bank of Kentucky in Frankfort, Kentucky; and it shall be the duty of said board of trustees, at the time of issuing any such bonds, to provide the means for creating a sinking fund adequate to redeem said bonds at their maturity.

Released from all taxation. § 6. That any such bonds mentioned in the fifth section of this act as may be issued, as well as any real estate that may be acquired by the corporation, herein created, are hereby released and exempted from all State, county, and municipal taxation.

Election of trustees. § 7. The present board of trustees shall hold their office until the first Monday in January, 1875, at which time, and annually thereafter, the stockholders shall hold an election for a new board of trustees, at which election each stockholder shall have a vote in proportion to the amount of stock held by him; and the board of trustees now in office, or elected at any such election as aforesaid, shall hold their office until their successors have qualified.

Trustees to appoint officers. § 8. That the board of trustees incorporated by this act shall, at their first meeting after its passage, and the board of trustees hereafter elected shall, at the first meeting after their election, or as soon thereafter as may by them be deemed practicable, choose from their body a president, to be styled the "President of the Board of Trustees;" and they shall also appoint a treasurer and secretary, each of which three officers, unless removed by a vote of a majority of said board, shall hold their office for, and during the continuance of, the board by which they were chosen or appointed. Should a vacancy at any time occur in any of the offices aforesaid, or in the board of trustees, by death, resignation, removal from Franklin county, or from any cause whatever, the president shall call a meeting therefor, and said office or vacancy shall be filled by a vote of a majority of the board remaining in office.

May appoint principal and other teachers. § 9. That the board of trustees shall have power to appoint a principal of said institute, and such professors and instructors, &c., as may, at any time, be necessary for the instruction of the pupils therein in the arts and sciences, and in all necessary useful and ornamental

1872.

branches of a thorough and liberal education; and the said board of trustees and their successors shall have power to make such by-laws for the government of their own body, and such rules and regulations for the government and control of the principal, professors, and instructors, and the pupils, as they may deem expedient, and to alter, amend, or annul the same at will.

§ 10. That the board of trustees shall have power to regulate the course of studies, and to confer upon graduates of said institute such diplomas, honors, and degrees, as evidences of scholarship, as are usual in the institutions and colleges of this Commonwealth.

Trustees to regulate course of study.

§ 11. That the treasurer hereinbefore mentioned shall give bond, with security to be approved by the board of trustees, for the proper disposition of moneys that may come to his hands, and for the faithful discharge of his duties.

Treasurer to give bond.

§ 12. That the common school of the district in which said institute is located shall, at the option of the trustees of said institute, be taught by the teacher or teachers thereof under the control of said trustees, according to the provisions of the common school laws of this Commonwealth. All white children residing in said district, who are entitled to the benefits of the common school fund, shall have the privilege of attending the said institute free of charge, for the term prescribed by the common school law of the State, and shall be taught reading, spelling, writing, arithmetic, geography, English grammar, and such other branches as the board of trustees may prescribe; but any or all of said branches may be taught in the departments of said institute in which the common school is not taught.

Common school to be consolidated with institute.

§ 13. That the said board of trustees may admit pupils within the school ages, from the districts adjoining said institute district, with the consent of a majority of trustees of the said adjoining districts, to be taught in said institute during the term the common school is taught; and the said trustees shall report to the county commissioner, upon oath, the number of said pupils attending said institute; and the commissioner shall pay to the said trustees, at the same time the common school fund is payable to the trustees of the common schools, the pro rata of the common school fund of each pupil attending said institute from the said adjoining districts.

§ 14. This act shall take effect from and after its passage.

Approved March 4, 1872.

1872.

CHAPTER 391.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Covington shall have the power to elect a competent person as gas inspector of said city.

§ 2. The said city council shall prescribe the duties of said gas inspector, require a suitable bond, and fix the amount of said inspector's compensation by ordinance.

§ 3. Said gas inspector shall hold his office under said appointment of the city council, subject to removal in the discretion of said council, until the first annual election of said city, at which time said inspector shall be elected by the people of said city for the term of one year, in the same manner that other city officers are now elected, and shall hold his office until his successor is qualified.

Approved March 5, 1872.

CHAPTER 392.

AN ACT to amend the charter of the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 148 of an act, entitled "An act revising the charter of the city of Paducah," approved February 11th, 1871, be so amended as to read as follows, to-wit: That the common council shall have the power to levy a city tax in each year upon the taxable property of the city for the support and maintenance of the common schools of the city, not exceeding forty-five cents (45) on the one hundred dollars' worth of taxable property for the years 1872, 1873, and 1874, and not exceeding thirty cents (30) on the one hundred dollars' worth of taxable property after the year 1874; and the funds arising therefrom shall be kept by the treasurer of the city distinct and separate from the other funds, and shall be paid over by the treasurer, under the direction of the common council, to the board of trustees of the common schools of the city, to be by them expended for the support and maintenance of common schools of the city; and such portion of the school fund of the city, not necessary for the payment of teachers and necessary expenses of conducting the schools, may be used by the board of trustees of the common schools in the purchase of lots and the erection of suitable buildings for common school purposes: *Provided, however,* That the taxes levied for the support of common schools shall not be levied upon the property of colored citizens of said

city, nor shall said colored citizens participate in the common schools.

1872.

§ 2. This act shall take effect from its passage.

Approved March 5, 1872.

CHAPTER 393.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in a certain portion of the Bridgeport election precinct.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act no license shall be granted by the county court of Franklin county to vend, sell, or give away any spirituous, vinous, or malt liquors by retail in the town of Bridgeport, or at any place within that election precinct: *Provided, however,* That the question shall first be submitted to a vote of the qualified voters living within the prescribed limits whether this act shall take effect or not.

§ 2. Should a majority of those voting favor the prohibition contemplated herein, then, in that event, it shall be the duty of the officers conducting such vote to advertise the fact, such notice to be posted at three of the most public places within the precinct. The vote shall be taken at Bridgeport on the first Saturday in April, and be conducted by the same officers who conducted the last regular election at that place.

§ 3. Any person attempting, by any means whatsoever, to evade the provisions of this act, shall be deemed a retailer, and shall be subject to all the pains and penalties now provided by the general laws of this State for retailing liquors without license, and shall be proceeded against in the same manner and under the same rules and regulations; and the fines and forfeitures shall be collected and disposed of in the same way as now provided by said general laws.

§ 4. This act to take effect so soon as the required vote voting therefor shall have been taken.

Approved March 5, 1872.

1872.

CHAPTER 394.

AN ACT to amend an act, entitled "An act to amend an act to incorporate the Red River Iron Manufacturing Company," approved 13th February, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County, city,
or corporation
may take stock
in company.

§ 1. That the third section of an act to amend an act, entitled "An act to incorporate the Red River Iron Manufacturing Company," approved February 13th, 1872, be, and the same is hereby, amended as follows, viz: Any county, city, corporation (except towns), and individuals in this State may subscribe to the capital stock of said company, authorized and provided for in the second section of said act, in the manner provided for in the third section thereof, no money to be paid nor bonds to be issued until the aggregate sum of five hundred and fifty thousand dollars is subscribed. The owners of stock shall have power to elect the directors, and they to elect all officers of said railroad; each stockholder to have one vote for each share of one hundred dollars' worth of stock he may own in said road. The Red River Iron Manufacturing Company shall not have any control over said road or stock, except it may own stock in said road, and to that extent it may control and vote as any other shareholder may do. The county court of any county, and the city council of any city, or the president and directors of any corporation that owns stock in said road, may provide the mode and manner of casting the vote of said county, city, or corporation for the election of directors, or for any purpose that they may desire in regard to said road. The first election for directors shall be held at Richmond on a day to be agreed upon by a majority of the stockholders.

Said corporations may issue bonds to pay said subscription.

§ 2. That when any such subscription shall have been made, the county court or council or corporation shall have power to issue the bonds of the county, city, or corporation, with coupons attached, under the seal of said county court, council of the city, or of the corporation, signed by the judge of the county, or mayor of the city, or president of the corporation, attested by the clerk of court or council, or secretary of the corporation, for an amount sufficient, when sold, to pay the said subscription, to be sold by such person or persons as the court, city council, or corporation may appoint, to raise the means to build said road; said bonds shall be negotiable and payable to bearer in the city of Louisville, Kentucky, having not more than twenty years to run from date to maturity, and shall bear interest from date at a rate not exceeding ten per cent. per annum, payable semi-annually in said city.

§ 3. That the county court of any county, or council of any city, having voted and subscribed as aforesaid, shall have power to levy a tax on the property, both real and personal, as listed for State purposes in said county or city, sufficient to pay the interest on said bonds as they fall due, and such sinking fund for the redemption of the bonds as the county court or city council may order. The county court of said county so subscribing shall summons the justices of the peace of the county to meet at a day specified, not more than thirty days from the time such levy shall be made, to elect three commissioners of the sinking fund of such county: whose duties and terms of office shall be the same as those for counties having subscribed for stock in the Louisville and Nashville Railroad Company, and subject to the same liabilities; and the taxes shall be collected in the same manner as the railroad taxes have been heretofore collected, and are now collected in counties having stock in said Louisville and Nashville Railroad Company; and the sheriff's compensation shall be the same for collecting said taxes as sheriffs are allowed in counties having stock in said last named company.

1872.

May levy tax to pay off said bonds.

§ 4. That section four of the amendment approved February 13th, 1872, is hereby repealed, and in lieu thereof said company may build a railroad from the depot at Richmond, Madison county, to Irvine, and thence to Scott's Landing, in Estill county, and thence to Beattyville, in Lee county; and all laws coming in conflict with the provisions of this act are hereby repealed; and this amendment shall not be construed as limiting the powers and privileges granted in the original charter to which this is an amendment.

§ 5. That if at any election in a county, city, or corporation, a proposition to subscribe stock in said road shall be rejected, another election proposing a greater or less sum may be held in manner and form of the first, and so on, from time to time, on various sums, until enough stock is subscribed to build the road.

§ 6. That the order of the Estill county court, made on the 20th February, 1872, submitting to the legal voters of Estill county the question whether they are in favor of or against the said court subscribing to the capital stock of the Red River Iron Manufacturing Company the sum of one hundred and fifty thousand dollars for and on behalf of said county, upon the conditions therein set forth, is legalized as if this amendment had then been in force.

Action of Estill county court legalized.

§ 7. This act shall be in force from and after its passage.

Approved March 5, 1872.

1872.

CHAPTER 394.

AN ACT to amend an act, entitled "An act to amend an act to incorporate the Red River Iron Manufacturing Company," approved 13th February, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County, city,
or corporation
may take stock
in company.

§ 1. That the third section of an act to amend an act, entitled "An act to incorporate the Red River Iron Manufacturing Company," approved February 13th, 1872, be, and the same is hereby, amended as follows, viz: Any county, city, corporation (except towns), and individuals in this State may subscribe to the capital stock of said company, authorized and provided for in the second section of said act, in the manner provided for in the third section thereof, no money to be paid nor bonds to be issued until the aggregate sum of five hundred and fifty thousand dollars is subscribed. The owners of stock shall have power to elect the directors, and they to elect all officers of said railroad; each stockholder to have one vote for each share of one hundred dollars' worth of stock he may own in said road. The Red River Iron Manufacturing Company shall not have any control over said road or stock, except it may own stock in said road, and to that extent it may control and vote as any other shareholder may do. The county court of any county, and the city council of any city, or the president and directors of any corporation that owns stock in said road, may provide the mode and manner of casting the vote of said county, city, or corporation for the election of directors, or for any purpose that they may desire in regard to said road. The first election for directors shall be held at Richmond on a day to be agreed upon by a majority of the stockholders.

Said corporations may issue bonds to pay said subscription.

§ 2. That when any such subscription shall have been made, the county court or council or corporation shall have power to issue the bonds of the county, city, or corporation, with coupons attached, under the seal of said county court, council of the city, or of the corporation, signed by the judge of the county, or mayor of the city, or president of the corporation, attested by the clerk of court or council, or secretary of the corporation, for an amount sufficient, when sold, to pay the said subscription, to be sold by such person or persons as the court, city council, or corporation may appoint, to raise the means to build said road; said bonds shall be negotiable and payable to bearer in the city of Louisville, Kentucky, having not more than twenty years to run from date to maturity, and shall bear interest from date at a rate not exceeding ten per cent. per annum, payable semi-annually in said city.

§ 3. That the county court of any county, or council of any city, having voted and subscribed as aforesaid, shall have power to levy a tax on the property, both real and personal, as listed for State purposes in said county or city, sufficient to pay the interest on said bonds as they fall due, and such sinking fund for the redemption of the bonds as the county court or city council may order. The county court of said county so subscribing shall summons the justices of the peace of the county to meet at a day specified, not more than thirty days from the time such levy shall be made, to elect three commissioners of the sinking fund of such county; whose duties and terms of office shall be the same as those for counties having subscribed for stock in the Louisville and Nashville Railroad Company, and subject to the same liabilities; and the taxes shall be collected in the same manner as the railroad taxes have been heretofore collected, and are now collected in counties having stock in said Louisville and Nashville Railroad Company; and the sheriff's compensation shall be the same for collecting said taxes as sheriffs are allowed in counties having stock in said last named company.

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May levy tax
to pay off said
bonds.

§ 4. That section four of the amendment approved February 13th, 1872, is hereby repealed, and in lieu thereof said company may build a railroad from the depot at Richmond, Madison county, to Irvine, and thence to Scott's Landing, in Estill county, and thence to Beattyville, in Lee county; and all laws coming in conflict with the provisions of this act are hereby repealed; and this amendment shall not be construed as limiting the powers and privileges granted in the original charter to which this is an amendment.

§ 5. That if at any election in a county, city, or corporation, a proposition to subscribe stock in said road shall be rejected, another election proposing a greater or less sum may be held in manner and form of the first, and so on, from time to time, on various sums, until enough stock is subscribed to build the road.

§ 6. That the order of the Estill county court, made on the 20th February, 1872, submitting to the legal voters of Estill county the question whether they are in favor of or against the said court subscribing to the capital stock of the Red River Iron Manufacturing Company the sum of one hundred and fifty thousand dollars for and on behalf of said county, upon the conditions therein set forth, is legalized as if this amendment had then been in force.

Action of
Estill county
court legalized.

§ 7. This act shall be in force from and after its passage.

Approved March 5, 1872.

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CHAPTER 395.

AN ACT to incorporate, at the town of Walton, in the county of Boone, an Agricultural and Mechanical Association.

WHEREAS, It is represented to the General Assembly that citizens of the counties of Boone, Kenton, Grant, Gallatin, and adjoining counties, are anxious to create an association for the purpose of improvement in agriculture and the mechanical arts, and have petitioned for an act of incorporation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

§ 1. That John G. Snow, James L. Lampton, Reuben Conner, John Arnold, Harvey Hicks, Volney Dickerson, Ben. Q. Roberts, John Case, Jas. B. Finnell, A. Q. Baker, Joseph Jenkins, O. P. Hagan, J. Crockett Sayrs, Crockett Sayrs, J. W. Tucker, Daniel McCarty, Frank Mansfield, A. Stansifer, and such other persons as may choose to associate with them, be, and they are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of "The Walton Agricultural and Mechanical Association;" and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the county of Boone, and near to the town of Walton not exceeding one hundred acres, and may improve and sell and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the president and directors of said association may deem necessary and proper.

May have and use corporate seal.

§ 2. The said association may adopt and use a corporate seal, or may use the private seal of the president for the time being. The capital stock of said association shall be divided into shares of twenty-five dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporation may direct. Any five of the persons before named are authorized to open books for the subscription of stock in the said corporation, at such times and places as they may designate; and if, in their judgment, a sufficient amount of stock has been subscribed to meet the objects and purposes of the said association, they shall call a meeting of the stockholders at Walton on the second Saturday in April, 1872, having first given ten days' notice of said meeting by printed handbills posted in public places, for the purpose of electing a president and twelve directors of said association, to serve for one year from and after that time, and until their successors are duly elected; and thereafter a president and twelve directors shall be annually elected by the stockholders on the second Saturday in April of each and every year, under

Books to be opened to receive subscriptions of stock.

Election of directors.

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such rules and regulations as the president and directors of said association may adopt; but no person who is not a stockholder in said association at the time of his election shall hold any office in said association. Each share of stock in said association shall be entitled to one vote in all elections of a president and directors of said association at the first, and at all subsequent elections for said officers.

§ 3. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the president and directors thereof; and they shall have the power to appoint and remove at discretion a treasurer, secretary, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require of such inferior officers, or of either of them so appointed, bond, with good security, payable to themselves, for the faithful discharge of their duties. The president and directors of the said association shall have full power to adopt all the necessary rules and regulations to secure good order on the fair grounds of said association, and to secure the buildings and property of the same, and to affix penalties to the violation of said rules and regulations. Proceedings for the recovery of said penalties shall be in the name of the president and directors of said association, and for its use and benefit, and recoverable before any tribunal having jurisdiction for like sums in actions of debt, and proceeded on in like manner; and in the adoption and enforcement of said rules and regulations said president and directors shall not be confined to the said fair grounds only, but shall have power to prohibit the exhibition of any shows, games, races, or the direct or indirect sale of any liquors or other drinks or refreshments anywhere within the one half of a mile of the grounds of said society, except within the corporate limits of the town of Walton, for and during the days of the exhibitions of the said association.

Power of directors.

§ 4. The said president and directors shall have power to contract and be contracted with, in their corporate name, and to do any and every other act, not inconsistent with the laws of this Commonwealth, which, in their opinion, will contribute to the advancement of the objects of the said association. A majority of the directors of the said association, together with its president, shall constitute a quorum for the transaction of business. The said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts contracted by it or by its authority. Said president and directors may, from time to time, reopen books and increase the

Quorum.

Directors may increase capital stock.

1872. capital stock of said association, not exceeding fifty thousand dollars.

§ 5. The said association, in its corporate capacity, shall have power to sue for and collect any subscriptions heretofore made, or other demands justly due them, as fully as though the same had been contracted after the passage of this act.

§ 6. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loan, or upon bonds which may be issued by them, bearing a rate of interest not to exceed ten per cent. per annum, such sums of money as they may deem necessary and expedient for the use of said company or association; and to pledge or mortgage all or any part of the estates, improvements, privileges, or effects and assets of said company for the repayment of said sums of money as may be obtained, whether by loans or upon bonds sold, at such time or times as may be agreed upon.

§ 7. Said company shall have, possess, and enjoy all rights, powers, and privileges and immunities conferred by law in this State upon any other company or association chartered for similar purposes.

§ 8. This act to take effect from its passage.

Approved March 2, 1872.

CHAPTER 396.

AN ACT to amend an act, entitled "An act to incorporate the Frankfort, Paris, and Big Sandy Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the said Frankfort, Paris, and Big Sandy Railroad Company shall request the county judge of any county, through or adjacent to which it is proposed to construct said road, or the common council of any city, or the board of trustees of any town, authorized by the act to which this act is amendatory, to take stock in said company, to subscribe, either absolutely or on specified conditions, a specified amount to the capital stock of said company, the county judge, common council, or board of trustees so requested, shall forthwith order an election to be held at the several voting places in said county, city, or town, on a day to be fixed by the judge, mayor, or chairman of the board of trustees, not later than thirty (30) days nor earlier than twenty days after the making of said order, and shall appoint judges and other officers necessary to hold said election: *Provided*, That if a majority of the votes cast at said election shall be adverse

Upon request of officers, authorities of towns, cities, counties, &c., shall order an election as to subscribing stock.

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to the proposed subscription, then the cost of said election shall be paid by said railroad company: *Provided further*, That not more than one election shall be held under this act, nor that to which this is amendatory, in any city, town, county, or precinct, without further legislation: *Provided further*, That no election shall be held in any county, wherein said company have operatives engaged in the actual construction of their road, without the consent of the county court of said county: *Provided further*, That in any proposition submitted under this act, this condition shall be inserted: That in lieu of certificates of stock to be issued to the county, city, or town, or the people thereof, as provided in the act to which this is amendatory, the company, upon the payment of the subscription made, shall file with the presiding judge of the county court, or the mayor of the city, or the chairman of the board of trustees, its obligation to accept at par, in payment of charges for all freight shipped from, or received at, the several depots or stations in said county, city, or town, the tax receipts issued to the citizens of said county, city, or town, for taxes levied and collected to pay the said subscription. Said tax receipts, however, shall not be so receivable until five years shall have elapsed after the completion of said railroad; and no sale or lease of said road shall affect the obligations hereby imposed on said company; but any holder of tax receipts may, at his option, upon presentation of said receipts, in any sum not less than fifty dollars, receive therefor a certificate of stock for the amount presented, as provided in the act to which this is amendatory: *Provided further*, That the subscription of the county of Bourbon shall not exceed (\$400,000) four hundred thousand dollars, not more than five per cent. of which shall be made payable prior to the running of trains upon said road from the point of its junction with the Lexington and Louisville Railroad, at or near the city of Frankfort, to the eastern line of Bourbon county, and then not more than one half of said subscription shall be made payable, and the remainder shall not be payable until trains are running upon said road to the Big Sandy river, or to its point of junction with one that is in operation to that river.

§ 2 The appointment of officers to conduct said election, the holding thereof, and whatever pertains thereto, including the counting of the vote, shall be made and done as provided in the act to which this is amendatory; and if it appears that a majority of those voting vote in favor of the subscription as proposed, the county judge, mayor, or chairman of the board of trustees, shall order the vote to be entered on their respective records, and shall execute and deliver to the company the obligation

Railroad to
receive tax re-
ceipts for
freight shipped
over road.

Holder may,
at option, re-
ceive stock for
tax receipt.

If vote is
favorable, such
authorities
shall subscribe
said stock.

1872. of the county, city, or town to pay to the company, on the terms specified in the order submitting the question to a vote, the amount subscribed. In the event the amount is payable in installments, there shall be a separate obligation for each installment. These obligations shall be signed by the county judge, mayor, or chairman of the board of trustees, attested by the clerk of the county court, common council, or board of trustees, but shall not bear interest before maturity, and shall not be delivered to the company until their obligations to accept tax receipts in payment of freight, or in exchange for stock certificates, as hereinbefore provided, shall be executed and filed with the county judge, mayor, or chairman of the board of trustees.

Such authorities to issue bonds in payment for stock.

§ 3. Whenever any county, city, or town, shall vote a subscription to the Frankfort, Paris, and Big Sandy Railroad Company, and issue their obligations to said company, as provided in preceding section, the presiding judge of such county, the mayor of such city, or the chairman of the board of trustees of such town, shall pay such obligations upon presentation at their maturity, by the issue and delivery to said company of the bonds of such county, city, or town, of the denomination of not less than (\$100) one hundred dollars, nor more than (\$1,000) one thousand dollars, with coupons attached, under the seal of such county, city, or town, the bonds of the county to be signed by the presiding judge and countersigned by the county clerk, and the coupons to be signed by the clerk alone. The bonds of the city so subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor only. The bonds of towns subscribing shall be signed by the chairman of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk only. Such bonds shall be negotiable and payable to bearer in the city of New York or in the city of Louisville, at not more than thirty (30) years from their date, and shall bear interest at a rate not greater than eight (8) per cent. per annum, payable semi-annually in the city of New York or the city of Louisville: *Provided, however*, That the character of the bonds issued, and the time of paying the same, shall be stated fully by said railroad company in the proposition which is submitted to the qualified voters of any county, city, or town.

Tax to be levied to pay bonds.

§ 4. That in case any county, city, or town shall issue bonds as provided in the foregoing section, a tax sufficient to pay the principal and interest of the same shall be levied, collected, and used, as provided in sections fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen

(19), twenty (20), twenty-one (21), twenty-eight (28), and twenty-nine (29) of the act to which this is amendatory.

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§ 5. None of the provisions of this act shall affect the validity of the subscription heretofore voted to said company by the county of Scott. The company may, however, in their discretion, submit to the voters of that county a proposition in accordance with the provisions of this act, with a condition inserted, that the acceptance of the same by a majority of the qualified voters of said county, and the payment of the same, shall operate as a release to said county from the subscription heretofore voted to said company.

§ 6. This act shall take effect and be in force from its passage.

Approved March 4, 1872.

CHAPTER 397.

AN ACT for the benefit of Sulphur Well school district, in Jessamine county.

WHEREAS, It appearing to this General Assembly, by a petition of a majority of the tax-payers in the limits of school district known as Sulphur Well district, in Jessamine county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That by the vote of a majority of the qualified voters of the district known as Sulphur Well school district, in Jessamine county, Kentucky, a tax may be levied on all the taxable property in said district, sufficient to build a school-house large enough to accommodate the children of the district.

§ 2. The election shall be held at the Sulphur well on the first Saturday in April, 1872, under the direction of the school trustees for that district, who will act as a building committee, and as such, may determine the amount to be voted for, not to exceed eight hundred dollars.

§ 3. This act shall take effect from and after its passage.

Approved March 4, 1872.

CHAPTER 398.

AN ACT to amend the charter of Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the city of Augusta, in Bracken county, be, and the same is hereby, so amended, that when-

1872. ever any hotel keeper in said city shall make application to the council thereof for a license to sell spirituous, malt, or vinous liquors, and shall make the proof now required by law in such cases, the said council shall grant the license, upon the payment of any sum that may be fixed by said council, not exceeding the sum of one hundred dollars.
- § 2. That this act shall take effect from and after its passage.

Approved March 4, 1872.

CHAPTER 399.

AN ACT to change the name of the Hopkinsville Coal, Iron Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate name of the Hopkinsville Coal, Iron Mining, and Manufacturing Company, be, and the same is hereby, changed to the Bex Mountain Coal, Iron Mining, and Manufacturing Company.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER 400.

AN ACT to amend the town charter of New Market, in Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of New Market, in the county of Marion, is hereby extended as to include the residence of John J. Cushing within said corporate limits.

§ 2. This act shall be in force from its passage.

Approved March 5, 1872.

CHAPTER 401.

AN ACT for the benefit of school district No. 26, in Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Ohio county, upon the application in writing of a majority of the trustees of school district No. 26, in Ohio county, shall cause a poll to be opened in said school district, at such time and place, and

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with such notice, as said court may determine, to submit to the voters in said district the question of levying a tax for the purpose of building, purchasing, or repairing a school-house for said district; said vote shall be taken as in other elections.

§ 2. That if a majority of votes cast in said election shall be in favor of levying a tax, then the trustees of said district shall be, and are hereby, authorized to levy a tax upon each white male citizen subject to taxation, of not exceeding one dollar and fifty cents per capita, to be collected as other taxes are collected, and paid over to the trustees of said district, for the benefit of W. N. Martin, till he, said Martin, shall be paid the full value of the lot upon which the school-house is built, and the expenses incurred by him in erecting said school-house: *Provided*, Said Martin shall make to said trustees a good and sufficient deed to the lot upon which the school-house is erected.

§ 3. This act shall take effect from its passage.

Approved March 5, 1872,

CHAPTER 402.

AN ACT giving the trustees of the common school district in Catlettsburg the right to levy a tax for two years to build a school-house in said district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the common school district in Catlettsburg be, and they are hereby, given the right to levy a tax for two years of twenty-five cents on the one hundred dollars' worth of property in the town, and two dollars per capita, to build a school-house in said district.

§ 2. The said trustees shall place in the hands of the sheriff, constable, or town marshal, a list of the taxable property in said district, who shall proceed to collect said tax as other taxes are collected; and when collected, the said officers shall account for and pay over upon the order of said trustees. The said officers shall be responsible upon their official bonds for the amounts collected, and said officers shall be paid for their services not more than they would be allowed for collecting the same amount of State revenue tax.

§ 3. This act to take effect from and after its passage.

Approved March 5, 1872.

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CHAPTER 403.

AN ACT for the benefit of Mary W. Livingston, of Rockcastle county.

WHEREAS, By the general law, husband and wife must unite in a petition to the chancellor to obtain the privilege for the wife to act as a *feme sole*, acquire property, and dispose of the same by deed or will, under proper proceedings had; and whereas, James H. Livingston, of Rockcastle county, Ky., in the month of February, 1871, deserted his wife and children, without the means of support and maintenance; and whereas, by diligent toil and self-denial she has acquired a reasonable support for her family; and whereas, as the absence of the said James H. Livingston from his home, and desertion of his family, makes it impracticable for him and his wife to unite in a petition to the court, asking that she be allowed to trade and transact business as a *feme sole*; and whereas, the general law provides no remedy for the wife under above circumstances; therefore, to enable the said Mary W. Livingston to enjoy for herself and children the fruits of her toil and labor, and secure the same against the claims of her husband's creditors,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mary W. Livingston, of Rockcastle county, Ky., and wife of Jas. H. Livingston, be, and she is hereby, empowered to act as a *feme sole*, and she is authorized to acquire property and dispose of the same by deed or will, sue and be sued, contract and be contracted with, and to do and perform any act which might be done and performed by an unmarried woman; and any property she may acquire shall not be subject to her husband's debts, but shall be subject to her own debts in the same way as if she were an unmarried woman; but nothing herein shall be construed to operate as affecting the marriage relations existing between said parties,

§ 2. This act to take effect from its passage.

Approved March 5, 1872.

CHAPTER 405.

AN ACT to supply public books for Kenton and Campbell counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, directed to furnish to the counties of Kenton and Campbell the public books allowed to their officers by the provisions of chapter sixty-one of the Revised Statutes, upon the application of the presiding judges of said counties,

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as provided in an act, entitled "An act concerning public books, and providing for the supply to destitute counties," approved March 16, 1869; all such books so furnished shall be kept and used at Independence and Alexandria, in said counties. The provisions of the aforesaid act shall apply to and regulate all the steps and proceedings had under this act, and the public officers in said counties shall be responsible for the books furnished in the same manner and to the same extent as therein provided.

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§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 5, 1872.

CHAPTER 406.

AN ACT for the benefit of school district No. 16, Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the common school trustees of district No. 16, in Fulton county, be authorized to levy and collect a tax, not exceeding in any one year twenty cents on the one hundred dollars' worth of taxable property in said district, until a sufficient amount is raised to purchase a suitable house and grounds, or to buy grounds and erect thereon a suitable house for a common school in said district.

§ 2. That in order to a fair and just levy and collection of said tax, the trustees shall appoint an assessor to value the taxable property in said district, who, after being first duly sworn, shall proceed to ascertain and list all the personal and real estate within the bounds of said district; and shall make a list of all the taxable persons in said district, and affix against the name of each person the amount of their real estate in said district, with a proper description, by number or situation, and also the true and just cash value of such real estate, together with the personal estate of each, whether goods, stocks, manufactories, moneys, choses in action, bonds, cash notes, or other property, and the cash value of the same: *Provided*, That when the lines of said school district shall pass through the lands of any person, dividing the same, the tax shall not be levied on same unless the greater part of said land, or the homestead on the same, shall be in the bounds of said district. The compensation of said assessor shall be fixed by the board of trustees, and his assessment shall be made out and returned to the board on or before the first day of June in each year.

§ 3. A copy of said book of assessment shall be made out by the board of trustees, together with the tax levied thereon, on or before the first day of July in each year.

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and delivered to the sheriff of Fulton county, who shall proceed to collect the taxes on the same, and pay the same over to the board of trustees on or before the first day of September of that year when placed in his hands. The sheriff and his sureties on his official bond shall be liable for the collection and paying over the taxes aforesaid, in the same manner as he is now for the county levy; and shall be vested with the same powers and rights to levy upon and sell any property for said taxes as he has now in and by virtue of executions in his hands; and the sheriff shall be entitled to the same compensation that he now receives for the collection of State revenue.

§ 4. That the trustees of said district shall have the right to assess an amount in proportion to the number of children, and the length of time sent to school, that shall cover the actual cost of fuel in each year; and the sum so apportioned to any parent, guardian, or patron, shall be collectable in the same manner as fee bills are; and they may give them to the marshal of Hickman for collection, who shall have the right to collect the same, and be accountable for the same on his official bond, the same as if collected by execution.

§ 5. That this act take effect from and after its passage.

Approved March 5, 1872.

CHAPTER 407.

AN ACT to amend an act, entitled "An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be, and is hereby, repealed, so far as it relates to the counties of Greenup, Boyd, and Carter; and the school commissioners and trustees of common schools in said counties shall be exempt from prosecutions for any failure to comply with the provisions of the act hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1872.

CHAPTER 408.

AN ACT to amend the charter of the town of Franklin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter no person shall be entitled to vote for mayor or councilmen for the town of Franklin, unless

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he shall prove to the judges of the election that he had paid his town taxes due and collectable for the preceding year.

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§ 2. It shall be the duty of the judges of the town election to reject all voters who shall fail or refuse to prove that they had paid their taxes as specified in the preceding section; the production of the tax collector's receipt shall be conclusive evidence of the payment therein specified.

§ 3. This act shall take effect from its passage.

Approved March 5, 1872.

CHAPTER 409.

AN ACT to provide for the redistricting the school districts of the county of Campbell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the county court of Campbell county shall, at the April term, 1872, appoint a special commissioner, to act in connection with the common school commissioner and surveyor of said county, in redistricting the school districts of said county.

§ 2. That said commissioners and surveyor shall, immediately after the appointment of the special commissioner, enter upon the discharge of the duties named in this act; and the districts thus made shall remain permanent until a change is required by the general law of the State.

§ 3. That where any district has a good and comfortable school-house, the commissioners shall not interfere with such district so as to leave the school-house in any other than a central location.

§ 4. The surveyor shall make a plat of the districts thus laid off, designating each by its appropriate number, and place the same on file in the county court clerk's office.

§ 5. Said commissioners and surveyor shall be allowed a reasonable compensation for their services, to be determined by the court of claims of said county, and paid out of the county levy.

§ 6. This act is not to apply to the towns of Newport and Dayton.

§ 7. This act to take effect from its passage.

Approved March 5, 1872.

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CHAPTER 410.

AN ACT for the benefit of Farish Arnett, of Magoffin county.

WHEREAS, At the April term, 1871, of the Magoffin county court, one William O. Gullett was found to be a pauper lunatic, and ordered by said court to be taken to the Eastern Lunatic Asylum at Lexington, Kentucky, and Farish Arnett, sheriff of Magoffin county, with one guard, in pursuance of the order of said court, conveyed the said William O. Gullett to the said asylum, and the superintendent thereof refused to receive him "for want of room." The said Arnett was then forced to take said Gullett back to Magoffin county after incurring heavy expense, and receiving no compensation therefor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Farish Arnett for the sum of ninety-eight dollars (\$98), payable out of any money in the Treasury not otherwise appropriated, as compensation to said Arnett and his guard as aforesaid.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1872.

CHAPTER 411.

AN ACT for the benefit of J. M. Forgy, school commissioner of Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of J. M. Forgy, common school commissioner, for the sum of fifty-nine dollars, to be paid out of the surplus school money due the county of Butler.

§ 2. This act to take effect from its passage.

Approved March 5, 1872.

CHAPTER 412.

AN ACT authorizing the trustees of common school district No. 4, in McCracken county, to levy and collect a tax for the erection of school buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the common school district No. 4, in McCracken county, be, and they are hereby, author-

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ized and empowered to order an election to be held in said district on the first Saturday in April, 1872, to take the sense of the qualified white voters of said district on the propriety of levying a tax on all the taxable property in said district belonging to white persons to purchase a lot of ground, fence, ornament, and erect thereon a neat, commodious, and comfortable school-house, for the sole use and benefit of the white pupils of said district, the amount of tax to be fixed by said trustees in their order of election, but not, however, to exceed one dollar on the one hundred dollars' worth of taxable property, and not amount to more in the aggregate than three thousand dollars, and the lot of ground and buildings thereon to be deeded to the common school trustees and their successors forever.

§ 2. The trustees shall appoint two judges and a clerk to conduct said election, the polls to be opened at nine o'clock in the forenoon and closed at four o'clock in the afternoon; and if a majority of all those voting are in favor of levying said tax, the trustees shall immediately enter the same of record in their journal, and proceed at once to appoint a collector, whose duty it shall be to collect said tax; and he shall execute bond, to be approved by said trustees, for a faithful collection of said taxes; and for failure to perform his duty, he shall be responsible on his bond. Said collector shall receive as compensation for his labor such an amount as may be agreed upon by the trustees, not to exceed, however, five per centum on the amount collected.

§ 3. Said collector shall, on or before the first day of July, 1872, and at the same time each succeeding year, so long as said tax may be to collect, make out from the assessor's books in the county clerk's office, returned for that year, a correct list of all property subject to be taxed under this act, and proceed to collect the tax levied thereon, and deposit the same to the credit of said trustees at the Commercial Bank of Kentucky in Paducah, Kentucky, on or before the first day of the succeeding October; which tax, when collected, shall be applied by said trustees to pay for said lot and buildings.

§ 4. All property listed in said district for State revenue shall be subject to taxes under this act; and no property subject to taxation under this act shall be exempt from distraint or sale for taxes thereon.

§ 5. Said trustees shall, in the order of election, specify the number of years said tax is to be collected; whether one, two, or three, not to exceed the latter period.

§ 6. That A. R. Jones, G. G. Barriger, and J. C. Farley, are hereby appointed commissioners to purchase said lot and let out said buildings and improvements; and in the

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event of either failing to act, the others shall fill the vacancy by appointment.

§ 7. This act shall be in force from and after its passage.

Approved March 5, 1872.

CHAPTER 413.

AN ACT for the benefit of John P. Barrett, sheriff of Ohio county, and his securities.

WHEREAS, Judgment was rendered in the Franklin circuit court, in the year 1871, in favor of the Commonwealth of Kentucky against John P. Barrett, sheriff of Ohio county, and his securities, for the revenue due for the year 1870, for the sum of nine thousand one hundred and twenty-two dollars and fifteen cents (\$9,122 15), with interest thereon from the first day of June, 1870, until paid, and cost of suit, including Attorney General's fee, and for one thousand eight hundred and twenty-four dollars and forty-two cents (\$1,824 42) damages; and it appearing that said sheriff has paid seven thousand six hundred and four dollars and seventy-four cents (\$7,604 74) on said judgment; by way of relief to said sheriff and his securities,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the payment of the balance of the principal of said judgment, with interest and costs, and the Attorney General's fee, within six months from the passage of this act, said sheriff and his securities shall be released from the payment of said damages.

§ 2. That this act shall be in force from its passage.

Approved March 5, 1872.

CHAPTER 414.

AN ACT to charter the Eddyville Male and Female Academy, in Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees' names. Corporate style.	§ 1. That James O'Hara, J. B. Rice, W. B. Machen, Wm. Cash, W. L. Crumbaugh, W. W. Pinner, and T. J. Watkins, and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name and style of the "Trustees of the Eddyville Male and Female Academy;" and as such, they and their successors may acquire, by purchase or otherwise, and hold real
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estate and personal property, and dispose of same by sale or otherwise; may make contracts, sue and be sued, plead and be impleaded, and make such rules, by-laws, and ordinances as may be necessary for the good government of said corporation, not incompatible with the Constitution and laws of this State or the United States.

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§ 2. The said trustees shall appoint one of their number president, and another secretary of said corporation; and may also appoint a treasurer, who shall be required to give bond to said trustees, with good security, upon which any person interested may institute suit. A majority of said trustees shall constitute a quorum for the transaction of business; but no purchase or sale of any real estate shall be made by said corporation unless a majority of the whole number of trustees shall concur in said purchase or sale.

Trustees to
appoint all officers.

§ 3. The trustees herein mentioned shall hold their office until the first Saturday in April, 1873, and until their successors shall enter upon the discharge of their offices, at which time a similar number of trustees shall be elected by the white voters of the district herein mentioned and described; said election to be held and conducted in all respects as elections of common school trustees, and similar elections shall be held on the first Saturday in April in every second year thereafter: *Provided, however,* That should school buildings be purchased or erected in said district by the subscription of stock as hereinafter provided, the said trustees shall be elected by the owners of said stock at such times, and in such manner as the said board of trustees may designate, each stockholder being entitled to as many votes in said elections as he owns shares of said stock.

Election of
trustees.

§ 4. It shall not be necessary for said corporation to procure a corporate seal, but it may authenticate its acts by the official signature of the president, attested by the secretary.

§ 5. Whenever the said trustees, or their successors, shall deem it best to purchase property, or erect buildings for the use of the school in said district, they shall have power, in order to raise money for that purpose, to open a book or books for the subscription of stock, and to appoint such persons as they may think proper to receive said subscriptions; said stock shall be divided into shares of twenty-five dollars (\$25) each, and each stockholder shall be entitled to a certificate from said trustees for the number of shares held by him, which shares may be assignable in such manner as said trustees may direct or prescribe; said subscription may be absolute, or upon any conditions that said trustees may prescribe; and if upon conditions, said conditions shall have been performed before said sub-

May open books
for subscription
of stock.

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scription shall be considered due, and when due, the amount subscribed by each person shall bear interest at ten per cent. per annum until paid, shall operate as a lien upon his estate, and the collection thereof may be enforced by said trustees by suit if necessary.

School building to be exempt from taxation.

§ 6. When the said trustees shall have raised a sufficient amount of money for that purpose, they shall either purchase or erect a building in said district for the use of said school, which shall be known as the "Eddyville Male and Female Academy," and shall be exempt from taxation so long as it may be used for school purposes.

Powers of trustees.

§ 7. They may cause to be taught in said district a school for at least ten (10) months in each year by competent teachers, and before they shall have purchased or erected buildings for the use of said school, the said trustees shall have the power to rent, lease, or otherwise procure the use of property and buildings, by contract, for the purposes of said school; and in order to pay for the use of said property thus rented or leased, may require the payment of a tax by each of the patrons of said school, of which tax public notice shall be given prior to the beginning of each session.

Trustees may prescribe course of study.

§ 8. The said trustees may prescribe the books to be taught in said school, and adopt rules for the government thereof: *Provided, however,* That no catechism or other form of religious belief shall be taught in, nor shall any class-book be used or adopted for, said school, which reflects upon any religious denomination, or which interferes with the religious belief of parents or pupils.

May confer degrees, &c.

§ 9. They shall have power to hold annual commencements and public examinations, and to confer such honorary degrees and diplomas as is usual in other high schools and colleges in this Commonwealth.

Boundary of school district.

§ 10. The school district mentioned in this act shall embrace the town of Eddyville, and all the territory on the north side of the Cumberland river within one and a half ($1\frac{1}{2}$) miles of the said town, and the territory on the south side of said river in three-fourths ($\frac{3}{4}$) of a mile of said town, also including B. C. Ballard.

Shall cause common school to be taught and receive compensation from school fund.

§ 11. The said trustees shall cause the school in said district to be taught at least five (5) months in each school year, as a common school, at which all the white children in said district between the ages of six (6) and twenty (20) years shall be permitted to attend, whether they are able to contribute towards paying the expenses of said school or not; and the said trustees shall have exclusive control of the pro rata of the common school fund appertaining to said district, and shall draw from year to year the common school money coming to said district, and shall conform to all the requirements of the common school laws

now in force, or which may hereafter be enacted in this State with reference to said common school fund, except as otherwise herein provided, and shall make reports as required of trustees of common schools.

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§ 12. They shall expend the whole of the said common school money in paying teachers, and shall have the same power to enforce the collection of the remainder of the sum required to pay the teacher or teachers (if there be more than one), as trustees of common schools now have.

§ 13. The said trustees shall judge of the qualifications of teachers, and shall prescribe rules for filling vacancies that may occur in the office of trustee from death, resignation, or otherwise.

May fix qualification of teachers.

§ 14. None but white children shall be permitted to attend the school provided for in this act.

§ 15. This act shall take effect from and after its passage.

Approved March 5, 1872.

CHAPTER 415.

AN ACT to incorporate the Contracting and Building Company for the purpose of building, and aiding in building, railroads, bridges, and telegraph lines.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Collis P. Huntington, Abiel A. Low, Wm. H. Aspinwall, Jonas G. Clark, David Stewart, and Wm. Whitewright, jr., and their associates, successors, and assigns, are hereby created a body-politic and corporate, under the name and style of the "Contracting and Building Company;" and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, in all courts and places; and have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of said company and the conduct of its business, not inconsistent with the Constitution of this Commonwealth or of the United States, or the laws made in pursuance thereof.

Corporators' names.

Corporate name and corporate style.

May make by-laws.

§ 2. The said company shall have power, and is hereby authorized, to build, construct, enlarge, repair, complete, equip, and furnish, and aid in building, constructing, enlarging, repairing, completing, equipping, and furnishing, railroads, railroad bridges, and other bridges and telegraph lines, and all buildings and erections necessary or appurtenant thereto, in any State of the United States; and to that end may acquire franchises, and contract with those having the power or franchise to build railroads, bridges, and

Corporate powers.

1872. telegraph lines, and may receive in payment cash notes, bonds, or stocks of any individuals or corporations, and securities issued by any Government, State, county, town, or other corporation, municipal or otherwise; and sell, purchase, and hypothecate such securities; borrow and loan money; issue its own bonds at a rate of interest not exceeding ten per cent.; and sell, negotiate, and pledge the same at such rates of discount as it may deem best; and make advances of money and credit to railroad, telegraph, and bridge companies, and to contractors; and for the purposes of their said business, may purchase, acquire, lease, hold, use, occupy, enjoy, convey, mortgage, and exchange real or personal property of every kind and description, and do all other acts and things necessary and proper to exercise and to carry out the powers herein granted: *Provided*, That the power herein granted to build and aid in building railroads, bridges, and telegraph lines, shall relate only to those for which franchises now exist, or may hereafter be created by law: *And provided further*, That the bonds which may be issued by said company shall not exceed in amount the capital stock paid, or secured to be paid.

Capital stock.

§ 3. The capital stock of said company shall be one million of dollars, divided into shares of one hundred dollars each, which shares shall be personal property, and may be subscribed, paid for, and transferred, and forfeited for non-payment, in such manner as the said company or its board of directors may, by resolution or by-laws, prescribe and determine. When one hundred thousand dollars of said capital stock shall be subscribed, and ten per cent. of such subscription paid in, the said company may organize and proceed to business; but no certificate of stock shall be issued until the same shall have been subscribed on books provided for that purpose, and actually paid in. The capital stock may be increased from time to time to an aggregate amount not exceeding ten millions of dollars, or may be diminished; but any such increase or diminution shall be, in each case, by the consent, in writing, of two thirds in amount, at the time, of the stockholders of said company. Each share of stock shall be entitled to one vote. Stock may be voted by proxy.

Board of directors — when and how chosen.

§ 4. Said company shall have power to manage and control its business by a board of directors, to consist of not more than nine (9) nor less than three (3) members, as may be determined by the stockholders, to be elected by them at the principal office of the company, at such time, and in such manner, and for such terms, and with such powers, as the said stockholders shall, from time to time, determine; and by a president and other officers, to be appointed by the board of directors, a majority in amount

of stockholders, or a majority in number of directors, to constitute a quorum at their respective meetings.

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§ 5. Said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute net receipts, proceeds of sale, or property of the company, among the stockholders, pro rata, according to the amount of stock held by each.

May declare dividends, &c.

§ 6. The stockholders shall not be individually liable for contracts, liabilities, and debts of said company; but the stock, privileges, rights, and properties held and owned by the company shall be liable therefor.

Stockholders not individually liable.

§ 7. The principal office of the company shall be in the city of Lexington, Kentucky, or in such city or town of this State as the stockholders may, from time to time, determine.

§ 8. Said company shall, on or before the 31st day of December in each year, report to the Auditor of Public Accounts of this State a statement of its business transacted in this State, and other State or country, and the value of its property therein, but shall not be required, under any law of this State, to make any other or further report to said Auditor or other officer of this State; but the General Assembly reserves the power to require, at any time, from said company, a full and detailed statement of its property and transactions in this Commonwealth. Nothing in this act shall be construed to defeat or prevent the value of stock owned in this company from being taxed for county or municipal purposes in the same way, and to the same extent, as other personal property.

Company to report to auditor its condition.

§ 9. Nothing in this act contained shall be construed to confer upon said company any banking privileges.

Shall not have banking privileges.

§ 10. Should said company purchase any railroads in this State, whose charters were granted prior to the passage of an act, entitled "An act reserving the power to amend or repeal charters and other laws," approved February 14, 1856, said charters, and all their amendments, shall be subject to the control of the Legislature in like manner as if they had been passed subsequent to the date of said act.

Approved March 4, 1872.

CHAPTER 416.

AN ACT to incorporate the Danville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. J. Durham, F. T. Fox, A. H. Sneed, John Taylor, T. T. Alexander, Daniel E. Downing, James H.

Corporators named.

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May open books
and receive
subscriptions
of stock.

Ritchie, of Kentucky, B. D. Williams, and John M. Bass, of Tennessee, be, and they are hereby, appointed commissioners, under the direction of whom, or any three of whom, subscriptions may be received to the capital stock of the Danville and Nashville Railroad Company, which is hereby incorporated; and they may cause books to be opened, at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice as they deem proper; and if such amount of subscriptions to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority of them, may cause said books to be opened, from time to time, and may adjourn to such place as they may deem proper, until the sum necessary for its incorporation shall be subscribed. Should any of said commissioners die, resign, or refuse to act, others may be appointed in their stead by a majority of those remaining.

Capital stock.

Name and
style.

§ 2. That the capital stock of the Danville and Nashville Railroad Company shall be four millions of dollars, in shares of one hundred dollars each, which may be subscribed by any individual, company, or corporation; and as soon as two thousand shares of said stock shall be subscribed, the subscribers, their successors or assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the Danville and Nashville Railroad Company; and by this name shall be capable of purchasing, holding, selling, leasing, and conveying real estate not exceeding ten thousand acres, and personal estate, so far as the same may be necessary for the purposes of the corporation; and shall have perpetual succession; and by said corporate name may sue and be sued, contract and be contracted with; may have and use a corporate seal, and alter or renew the same at pleasure; and shall have and enjoy all the privileges which other similar corporate bodies may lawfully do.

When and
how stock shall
be paid.

§ 3. That there shall be paid at the time of subscribing for stock in said company, to the person receiving the subscription, the sum of one dollar on each share, either in money or note or notes, at not more than sixty days, payable to some one or more of said commissioners, and negotiable in some bank. The residue of said subscriptions shall be payable in installments, at such times as may be required by the board of directors of said company; but no such payment shall be demanded until at least ten days' notice shall have been given, by publication in one or more newspapers published on the line of said road; and if any subscriber shall fail to pay any installment, or part of any installment, when so demanded, the same may be recovered

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by an action in the name of the corporation before any court having jurisdiction in such case; and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment or part of installment so demanded shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of directors may, at their discretion, order the same to be forfeited to the company, and may, if they think proper, sell said share or shares for the benefit of the company; or in the event of the highest bid being less than the unpaid balance and interest on said subscription, then the company may become the purchaser, and shall retire said subscription. It shall also be lawful for the commissioners, or the board of directors, to receive subscriptions to said capital stock, payable in contracts well secured, to build any part of said road, or any bridge or bridges on the same, or to perform any work, or furnish any materials, which may be accepted by the company; and it shall also be lawful that subscriptions to said capital stock may be made in real estate situated in Kentucky, if said subscription shall be tendered to the board of directors after their organization, said real estate to be taken at its cash value, to be agreed upon by the parties at the time the subscription is made, and said company may receive deed or deeds of conveyance for said lands; said real estate so received for stock shall be over and above the ten thousand acres mentioned in the second section of this act.

§ 4. At the expiration of the period for which the books are first opened, if two thousand shares of the capital stock shall have been subscribed, and if not, as soon thereafter as the same shall be subscribed, said commissioners, or a majority of them living, shall call a meeting at such time and place as a majority of those acting may designate, giving at least ten days' notice of the time and place in one or more newspapers published as aforesaid; and at said meeting said commissioners shall lay the subscription books before the subscribers then present; and thereupon said subscribers, or a majority of them then present, shall have power to elect out of their own number, by ballot, seven directors to manage the affairs of said company; and these seven directors, or a majority of them, shall have power to elect a president of said company from among the directors, and to allow him such compensation for his services as they may think proper; and at such election, and on all other occasions where a vote of the stockholders of said company is taken, each stockholder shall be allowed one vote for each share of stock owned by such voter; and any stockholder may, in writing, depute any other person to act as proxy for him

Meeting of
stockholders—
how called.

Directors to be
elected.

1872. or her, and said commissioners aforesaid, or any of them, shall be judges of said first election.

Directors to
be elected an-
nually.

§ 5. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually, on the first Monday in May of each year (at such place as the president and directors may appoint), by the stockholders of said company: *Provided*, That the president and directors may change the time and place of holding elections upon publishing such change not less than thirty days prior to the election in the newspapers aforesaid; and the president and directors shall have power to appoint judges of all elections, and to elect a president of said company from among themselves, and allow him such compensation as they may deem right; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or director, before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the president and directors, or a majority of them; and the president and directors of said company shall hold and exercise their offices until their successors are duly elected and enter upon the discharge of their duties; and all elections which are, by this act, or by the by-laws of said company, to be made at a particular time, if not made at such time, may be made in ninety days thereafter, upon notice published in the newspapers aforesaid

Vacancies—
how filled.

Term of office.

Called meet-
ings.

§ 6. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings by the president and directors, or a majority of them, or by the stockholders owning one half of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall specify the object of the call; and if at any such called meeting a majority of all the stockholders are not present in person or by proxy, the same shall be adjourned from day to day without transacting any business, for any time not exceeding five days; and if within said five days stockholders having a majority in value of all the stock subscribed do not attend in person or by proxy, such meeting shall be dissolved.

Directors to
make annual
report.

§ 7. That the president and directors of said company in office the preceding year, shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company, and that at any called meeting of the stockholders, or a majority in value of the whole of the stock subscribed being present, may demand and require similar statements from the president

and directors whose duty shall be to furnish such statements when so required.

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§ 8. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said president and directors, or a majority of them, shall have power to elect or appoint a treasurer of said company, and require and take of him a bond, in such penalty, and with such securities as they may prescribe, payable to said company, conditioned for the faithful performance of all of his duties as treasurer, upon which bond recovery may be had for any breach of the conditions thereof, by suit in the name of the company, and in any court having jurisdiction of the action.

Directors to
take oath.

Shall appoint
treasurer.

§ 9. That if any of the stock authorized by this act shall remain unsubscribed until after the election of the president and directors, as provided in the fourth section of this act, the said president and directors, or a majority of them, shall have the power to open the books and receive subscriptions to the stock which shall remain unsubscribed, or to sell and dispose of the same for the benefit of the company when authorized to do so by a majority of the stock in a meeting of the stockholders; and the subscribers or purchasers of such stock shall have all the rights and privileges of the original subscribers, and subject to the same regulations and liabilities.

If any stock be
unpaid for, it
may be re-sub-
scribed for.

§ 10. That the president and directors, or a majority of them, may appoint all such officers, agents, or servants as they may deem expedient for the business of the company, and may remove the same at pleasure; or said board of directors may delegate to their president the power to appoint or remove any or all of such employees, subject to their approval at their first meeting thereafter. They may determine by contract the pay of such officers, agents, or servants, and regulate by by-laws the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employees; that they shall have power to erect, carry on, conduct, and control work-shops, eating-houses, round-houses, and any building or edifices necessary or convenient for the use of said company; they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred, and to pass all by-laws they may deem necessary and proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and to alter the same at pleasure, provided the same be not contrary to the Constitution and laws of the United States and this State.

Directors to
appoint all offi-
cers, fix com-
pensation, and
remove at
pleasure.

May prescribe
mode of trans-
fer of stock, &
establish by-
laws.

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May increase
capital stock.

§ 11. That if the capital stock of said company shall be deemed insufficient to carry out the purposes of this act, it shall be lawful for the president and directors to increase the same as much as they may deem necessary, not exceeding the sum of two million of dollars, giving notice as hereinbefore required; and the said company may borrow any sum of money not exceeding the sum of four millions of dollars, and to secure the payment of the same by the issue of first mortgage bonds of their road, or in such way as may be agreed upon.

Shall have
power to con-
struct and op-
erate railroads.
&c.

§ 12. That the president and directors of said company are hereby vested with all the powers and rights necessary to the construction of a railroad from Danville, in Boyle county, on the most practicable route, to the southern boundary line of Kentucky, within fifteen miles of where the lines of Allen and Monroe counties corner at said State line; said route to be selected by said president and directors; and they may cause to be made contracts, which shall be signed by the president, with any corporate companies or individuals, for making said road or any part of it; and they may sell and transfer said privileges, franchises, and road, or they may purchase or lease any road or roads, or part of roads, connecting with their said road, or consolidate with any other road; but the State of Kentucky shall not be divested of its control over said corporation by reason of its sale or of its consolidation with other roads; and that they, their agents, assignees, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road or the erection of warehouses or other structures or works necessary and convenient to said road, or for its use, or for any other purpose, or useful in the construction or repair of said road or its works or appurtenances; and they may build bridges and construct tunnels, provided such bridges shall not obstruct navigation on any navigable stream; and may fix scales and weights, take and use timber, earth, gravel, stone, and other materials necessary or useful in the construction or repair of said road.

May purchase
land, &c., for
construction of
road.

§ 13. That the president and directors, or their authorized agents, may agree with the owners of any land, earth, stone, or timber, or other materials or improvements which may be wanted for the construction or repair of said road or any of their works, for the purchase in fee-simple, or the use and occupation of the same; and it shall be lawful for said company to apply to any circuit or county court of any county through which it may be proposed said road shall pass, and for said court to appoint a competent engineer and two disinterested commissioners, any two of

May condemn
land, &c.

1872.

whom may act, to examine the proposed route of said road, and to take from the proprietors of the land over which it is to pass a grant of the right of way of such width as may be desired, and which may include the right to take stone, earth, gravel, or timber for the construction or repair of said road; and they, jointly and severally, shall have the power and authority to take and certify, under their hands and seals, the acknowledgment of such grants in fee or right of way, and the separate acknowledgment of the married women, that the clerks of the several county courts have; and on the presentation of the grant and acknowledgment to the clerk of the county court where the land lies, it shall be the duty of the clerk to record the same as other deeds, and they shall be effectual against all persons according to their tenor: *Provided*, That when the parties are infants, *femes covert*, or *non compos mentis*, or absent, or refuse to make the grant, they shall hear any proof that may be adduced, and, upon their own view, proceed to value any land required for the right of way, taking into consideration the advantages and disadvantages the proposed road will be to the adjoining lands of such proprietor, or lands required for turn-outs and depot stations for said road. The owner of the lands and materials shall receive the value of the lands and materials condemned; but the advantages and disadvantages may be taken into consideration in determining other things, and also of earth, stone, gravel, or timber for the construction of said road, and report the value they shall have affixed, together with the evidence adduced to the court appointing them, with a map or profile of the required ground; and said report may be filed with the clerk of such court, and a summons issued to the proprietors to show cause against the confirmation of said report; but if the proprietor shall be out of the Commonwealth, the summons may be executed upon a known agent, if there be one in the county, and if there be no known agent in the county, then the court may order the appearance of the party at a named day, and appoint the clerk to give him notice by letter, and enter up a warning order against him; and in case there be infant, *feme covert*, or *non compos mentis* proprietors, the court shall appoint a guardian *ad litem*, committee, or attorney, to represent the interest of such infant, *feme covert*, or lunatic. It shall be lawful for the company, or any proprietor, or both, to traverse the report, and for the court to have the traverse tried in open court by a competent jury, in which trial the report and evidence returned as aforesaid shall be heard, together with such other evidence as either party may produce. A new trial to the finding of the jury may be granted as in other cases. The report shall stand for hearing as to any proprietor when the process has been

1872. executed ten days, or after the appearance of a proprietor upon the day fixed for his appearance; and the court shall have jurisdiction to confirm the report if no traverse is filed, and in case a traverse is filed, to have the same tried by a jury, and to give judgment upon the report or finding of the jury, and order the payment of the money and the execution of the grant in accordance with the report, and to have the grant executed by a commissioner appointed by the court, order them to be recorded in the county clerk's office of the county; and either party may have an appeal or writ of error to the proceedings; but the company may proceed with constructing the road at any time after the engineer and the commissioners have filed their report in the clerk's office.

Shall not obstruct other roads by constructing their own.

§ 14. That whenever, in the construction of said road, it shall be necessary to intersect any other established road or way, it shall be the duty of said company to so construct said road across said road or way as not to impede the passage of persons or property along the same, or when it shall be necessary to pass through the lands of any person, it shall also be their duty to provide for such person proper wagon ways across said railroad, from one part of the land to the other; and if said company shall fail to provide proper wagon ways across said road, as provided in this section, it shall be lawful for any person to sue said company, and recover such damages as a jury may think him or her entitled to for such neglect. The lands for the right of way for said road-bed shall be one hundred feet wide, and such additional width for turn-outs, depots, and embankments, as is necessary.

May consolidate with other roads.

§ 15. It shall be lawful for this company to unite their road, branch or branches, with any other railroad or railroads, and to acquire interests in other roads or parts of roads, and use the same as part of their main line, branch or branches, with the consent of the directors of said companies. The said railroad company shall have the same rights and privileges of prosecution; and any person or persons shall be liable to the same penalties and forfeitures for injuries done and committed upon the property of said company, or otherwise, to the prejudice of said company; and shall be entitled to collect such tolls, and rates for travel and transportation over their road, as are provided by the laws incorporating the Louisville and Nashville Railroad Company, and acts amendatory thereto.

Counties, towns, or cities may subscribe for stock.

§ 16. That any county, part of a county, town, or city, is hereby authorized to subscribe stock in said railroad company, in any amount any such county, part of a county, town, or city may desire; and the county court of any such county is authorized to issue the bonds of their respective counties in such amount as the county

court may direct; and the chairman and board of trustees, or the mayor and aldermen of any town, or mayor or aldermen or council of any city, are hereby authorized to issue the bonds of their respective towns or cities in like manner, and shall deliver forty per cent. of the amount of bonds subscribed to the president of said road, when the president and chief engineer of said company shall make and file with the county judge, chairman of any board of trustees, or mayor of any town or city, their affidavit, showing that thirty miles of said road has been graded, bridged, and ties prepared for laying the iron rails; and said president shall cause to be issued and delivered to the said party who deliver to him the bonds an equal amount of the stock of said railroad company; and the said party to whom the stock is delivered shall hold the same in trust for those who pay the taxes; and when tax receipts to the amount of one hundred dollars is presented, one share of stock shall be delivered to the party, and the tax receipts canceled and filed. The party to whom the stock certificates are delivered shall receive and receipt for all dividends that may be declared by the company on all stock remaining in his hands; the money shall be held as a sinking fund, and used only in retiring the bonds, which shall be done as soon as a sufficient amount is obtained to purchase one bond or more; and when an additional thirty miles of road is prepared as aforesaid, and affidavits are filed, an additional forty per cent. of the whole amount of bonds shall be delivered and stock received; and when another thirty miles is prepared as aforesaid, and affidavits filed, the balance of the whole subscription shall be delivered, and the stock issued therefor. The stock shall be in certificates of one hundred dollars each. All of said bonds shall be payable to bearer, bearing any rate of interest not exceeding ten per cent. per annum, payable semi-annually in the city of New York, and the bonds payable at such times as the company may direct, not exceeding thirty years from date; but before any such subscription on the part of any town, city, county, or part of a county, shall be valid or binding on the same, the mayor and aldermen or chairman and board of trustees of any town, the mayor and aldermen or council of any city, and the county court of any county or part of a county, shall submit the question of such subscription to the qualified voters of any town, city, county, or part of a county in which the proposed subscription is made, at such time or times as such chairman, mayor, or county court may, by order, direct; but no vote shall be taken until a majority of the justices of the peace of said county, in their discretion, may order and direct the same; and should a majority of the qualified voters voting at any such election vote in favor of sub-

1872.

Said towns, &c., may issue bonds to pay for stock.

Question of subscription to be voted on by said towns, &c.

1872.

Authorities of
cities, &c., shall
levy tax to pay
bonds.

scribing stock in said railroad company, the mayor and aldermen, or chairman and board of trustees of any town, the mayor and aldermen or council of any city, or county court of any county to which such vote shall be presented, shall be authorized to make the subscription in the name of their respective towns, cities, counties, or parts of counties, and proceed to have issued the bonds to the amount of such subscription as hereinbefore directed; and the mayor and aldermen, or chairman and board of trustees of any town, mayor and council of any city, or the county court of any county that may subscribe for stock in said railroad company, are hereby authorized and required to levy, annually, and collect a tax upon the taxable property in their respective towns, cities, counties, or parts of a county, as listed and taxed under the revenue laws of this State, a sum sufficient to pay the interest on said bonds as it accrues, together with the cost of collecting the same. They are authorized and required to make provision for paying said bonds at their maturity; and to enable them to do this, they may establish a sinking fund, and loan out the same at any rate of interest they can obtain, and if necessary, collect the same by law, or may adopt such other means as to them may seem proper and expedient; and may levy and collect taxes annually or otherwise on the property aforesaid for this purpose.

Property to be
exempt from
tax until road
is one half com-
pleted.

§ 17. The property of the company hereby incorporated shall be exempt from taxation under the revenue laws of this State until the half of said road shall have been completed. Said railroad company may construct or purchase a telegraph line near their road and branches, or may become owners of stock in any company which may construct such line of telegraph; and may establish an express company over their line of railroad, and become the owners of stock in such company, with the usual privileges of such companies, and subject to the usual restrictions on them.

§ 18. That said company may acquire any corporate rights, franchises, and privileges in other States, and use the same, which they may receive from the Legislatures thereof, or which they may acquire therein, not inconsistent with this charter or the laws of Kentucky. They shall begin work on their road in good faith within three years, and complete the same within ten years from the passage of this act, or forfeit the powers and franchises herein granted.

§ 19. This act shall take effect from and after its passage.

Approved March 4, 1872.

CHAPTER 417.

1872.

AN ACT to authorize J. D. Cumbie to change the direction of the State road running through his lands, in Todd county.

WHEREAS, It appears that the State road in Todd county, Kentucky, running through the lands of J. D. Cumbie, divides his lands so as to throw them into a very inconvenient shape; and whereas, it further appears that said road can easily be so changed as to save said Cumbie a large amount of fencing; and to avoid the inconvenience of such a division of his lands, without giving rise to any inconvenience to travel or any expense or trouble to the State, therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Cumbie is authorized and empowered to change the direction of the State road in Todd county, running through his lands, so as to make it intersect the Highland Lick road at a different point, and to divide his lands in a different way, provided said change shall be upon as good a route, and shall not lengthen said road more than five hundred yards longer than it now is.

§ 2. The land embraced by the old road in the part so changed shall become the property of said Cumbie, and be subject to his use and control: *Provided*, He shall deed, or cause to be deeded, to the State, the land occupied by the new road, which shall be of equal width as the old road: *And provided further*, That said new road shall be put in good condition for public travel.

§ 3. This act to take effect from its passage.

Approved March 4, 1872.

CHAPTER 418.

AN ACT to incorporate Salt River College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby established, the Salt River College, to be located at or near the town of Van Buren, in Anderson county, State of Kentucky. College established.

§ 2. That Thomas Milton, Hall Yowell, Holmes Franklin, Grigsby Thomas, Johnson D. Beard, James H. Wakefield, Henry McClusky, Win. L. Barker, T. Walter Heady, William C. May, Thomas McIlvoy, James Trabue, and Noble Butler, are hereby constituted the board of directors and body-corporate, by the name of Salt River College; and by that name may sue and be sued in any court in Kentucky; may fill vacancies in their own body, from any cause occurring; shall, at their first meeting, elect a presi- Corporators' names.

1872. dent, treasurer, and secretary of said college. At any
 Directors to meeting of said board of directors, any absent member
 elect officers. may vote by proxy. They may at any time change the
 location of said college; may, in co-operation with the
 trustees hereinafter named, prescribe such rules and regu-
 lations for the government of said college, its officers, all
 its affairs, subject to the provisions of this act, as they may
 see fit.

§ 3. That Wm. Cotton, Jack Langsford, Wm. T. Burge,
 Trustees' Z. Green Milton, Jacob M. Snyder, J. Riley Davis, and —
 names. Sweasy, and their successors in office, shall be the trustees
 of this corporation, and shall have power to fill all vacan-
 cies in their own body from any cause occurring.

§ 4. The board of directors, and the board of trustees
 Term of office herein named, shall hold their office until the first Monday
 of directors & in July, 1875, at which time, and annually thereafter, the
 trustees. stockholders shall hold an election for a new board of
 directors and a new board of trustees, at which election
 each stockholder shall have a vote in proportion to the
 amount of stock held by him; and the directors and trust-
 ees elected at such meeting or meetings shall hold their
 office till their successors have qualified.

§ 5. The said board of directors shall have power to re-
 May acquire ceive and hold, for the benefit of said college, any lands,
 property for tenements, hereditaments, moneys, stocks, goods, or choses
 benefit of col- in action, by gift, donation, devise, contract, or purchase,
 lege. as the board of directors may deem necessary for the pur-
 poses aforesaid, and may dispose of the same at pleasure;
 to make any contracts or agreements; and to do and per-
 form all such acts as any similar institution is permitted to
 do or perform. All property belonging to said institution
 shall be free of taxation.

§ 6. That books for the subscription of stock in aid of
 May open the establishment and maintenance of said college, shall
 books & receive be opened at such times and such places as the board of
 subscriptions directors shall direct; three commissioners to be appointed
 of stock. by the board of directors to open said books, any two of
 whom may act. The subscribers must enter into an
 obligation of the following import: "We promise to pay
 to the Salt River College fifty dollars for every share
 of stock set opposite our names, to be paid in such man-
 ner and proportions, and at such times, as may be re-
 quired of us by the board of directors of said college."

§ 7. The said board of directors shall have power to
 May establish establish agricultural and mechanical departments, to en-
 mechanical de- able indigent students to pay their tuition by labor therein.

§ 8. The president and faculty of said college shall have
 May confer power to confer such honors and degrees as are usual
 degrees. in the colleges of this Commonwealth.

§ 9. The officers and stockholders of said college shall not be individually liable for the debts and liabilities contracted by the corporation.

1872.

Stockholders
not individual
ly liable.
Common school
may be taught
in college.

§ 10. That the common school of the district in which the college is located shall, at the option of the trustees of said college, be taught by the teacher or teachers thereof, under the control of said trustees, according to the provisions of the common school law of this Commonwealth. All white children residing in said district, who are entitled to the benefits of the common school fund, shall have the privilege of attending the said college, free of charge, for the term prescribed by the common school law of the State, and shall be taught reading, spelling, writing, arithmetic, geography, English grammar, history, and such other branches as the board of trustees may prescribe; but any or all of said branches may be taught in the departments of said college in which the common school is not taught.

§ 11. That the said board of trustees may admit pupils within the school ages, from the districts adjoining the district in which the college is located, with the consent of a majority of the trustees of the said adjoining districts, to be taught in said college during the term common school is taught; and the said trustees shall report to the county commissioner, upon oath, the number of said pupils attending said college; and the commissioner shall pay to the said trustees, at the same time the common school fund is payable to the trustees or teachers of the common schools, the pro rata of the common school fund of each pupil attending said college from the said adjoining districts.

§ 12. That this act shall take effect from and after its passage.

Approved March 4, 1872.

CHAPTER 419.

AN ACT to repeal the charter of the Providence Mining, Manufacturing, and Shipping Company.

WHEREAS, It has been made known to this General Assembly that a large majority in value of the stockholders of the Providence Mining, Manufacturing, and Shipping Company have tendered to the Commonwealth a surrender of all of the corporate franchises of said company, and requested of this body an acceptance thereof, and a repeal of the act, entitled "An act to incorporate the said company," approved 5th day of February, 1856, and all acts styled amendments of said act; and whereas, said com-

1872. pany has had a corporate existence for more than twelve years, and has wholly and totally failed to accomplish any of the objects for which it was chartered and organized; and whereas, all of the property and assets of said company consists alone in mining privileges, in lands conveyed by the several stockholders, their ancestors or vendors, to said company, in consideration for its stock; and that said mining rights and privileges have never been pledged for money or other thing, but the title thereto, unencumbered, is still in said company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the proposition of the stockholders of the Providence Mining, Manufacturing, and Shipping Company, to surrender the corporate franchises of said company, be, and the same is hereby, accepted.

§ 2. That an act, entitled "An act to incorporate the Providence Mining, Manufacturing, and Shipping Company," approved 5th day of February, 1856, and all acts amendatory thereof, be, and the same are hereby, repealed, and the company organized under and by virtue of said acts is hereby dissolved.

§ 3. That the mining privileges in lands conveyed to said company shall revert to, and vest in, the present owners of the surface and soil of the lands to which they belong, as though said conveyances had never been made; the reversion shall be to each vendor of the company the interest conveyed by him. If any such vendor be dead, such interest shall revert to his heirs or to his or their immediate or remote vendees.

§ 4. This act to take effect and be in force from and after its passage.

Approved March 4, 1872.

CHAPTER 420.

AN AOT for the benefit of George W. McClure, coroner of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of George W. McClure, coroner of Rockcastle county, for the sum of (\$71 69) seventy-one dollars and sixty-eight cents, the mileage due him from the Commonwealth for conveying John Rash, a lunatic, under an order of the Rockcastle circuit court, from Mt. Vernon to the Eastern Lunatic Asylum at Lexington and

back to Mt. Vernon, said lunatic not being received at the asylum for want of room.

1872.

§ 2. This act to be in force from and after its passage.

Approved March 4, 1872.

CHAPTER 421.

AN ACT to amend an act, entitled "An act to establish a graded school at St. James' College in Shelbyville, Shelby county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of an act, entitled "An act to establish a graded school at St. James, late Shelby College, in Shelbyville," be also amended that the trustees of said school be, and they are hereby, authorized to use out of the proceeds of the sale of the real estate authorized by the act of which this is an amendment, for the purposes of repairing said building and grounds, and providing necessary furniture, a sum not exceeding four thousand dollars, including the sum of three thousand dollars authorized to be used in the original act.

§ 2. This act shall be in force from its passage.

Approved March 5, 1872.

CHAPTER 422.

AN ACT for the benefit of J. J. Wood, late sheriff of Clinton county, and his securities.

WHEREAS, At June term, 1862, a judgment was rendered by the Franklin circuit court against the said J. J. Wood, sheriff of Clinton county, for the collection of revenue in 1861, and Thos. Travis, A. Pierce, J. H. Wood, V. D. Hopkins, and Wm. Perkins, his securities, for the sum of two thousand and eighty-five dollars and eighty-nine cents (\$2,085 89), and also the sum of \$480 78 damages, and the further sum of \$9 15 costs, amounting, with interest, on the 14th September, 1869, to the sum of \$3,046 77, subject to the credit of \$1,172 97; and whereas, it appears that said judgment has been fully paid off and discharged, except the damages aforesaid, by sale of the said J. J. Wood's lands, of one hundred and eleven and one half acres, for the nominal sum of \$235, and the residue of said judgment paid by his said securities, Thos. Travis and J. H. Wood, with sheriffs' commissions; and whereas, said county of Clinton is a border county, and was exposed to the ravages of the war, so that no civil business could be transacted in said county from the summer of 1861 until after the close of the war; therefore,

1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said sum of four hundred and eighty-nine dollars and seventy-nine cents (\$489 79) damages recovered as aforesaid against the said J. J. Wood and his securities, in said Franklin circuit court, at said June term, 1862, in the name of the Commonwealth of Kentucky, be, and the same is hereby, remitted and discharged in full.

§ 2. That the said sum of one thousand and eighty-five dollars and eighty-nine cents, being the amount of interest paid by the said Thos. Travis and J. H. Wood, as securities aforesaid, upon said judgment, be, and the same is hereby, ordered to be refunded to them, the said Thomas Travis and J. H. Wood, to be received by them in proportion to the amount each paid respectively; and for said sum of one thousand and eighty-five dollars and eighty-nine cents the Auditor of Public Accounts will draw his warrant upon the Treasurer, made payable to said Thomas Travis and J. H. Wood, out of any money in the Treasury not otherwise appropriated.

§ 3. This act shall take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 423.

AN ACT to amend an act, entitled "An act to amend the charter of Hartford," approved March 2d, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to amend the charter of Hartford," approved March 2, 1867, as authorizes the trustees of Hartford to license coffee-houses, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 424.

AN ACT to release persons heretofore required to work out their road tax on the Murphesville road, in Mason county, therefrom.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws heretofore enacted requiring persons living along and near that portion of the Murphesville Turnpike Road, in Mason county, lying between Washington and Murphesville, be, and the same are hereby,

repealed, and all such persons are released from work thereon. 1872.

§ 2. That this act shall take effect and be in force from its passage.

Approved March 6, 1872.

CHAPTER 425.

AN ACT to amend an act, entitled "An act to repeal the charter and re-incorporate the town of Elizabethtown."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the thirtieth section of said act be so amended as to authorize the trustees of said town to pay the police judge, out of the funds of the town, such an amount, over and above the fees therein allowed, as they may consider a fair compensation for his services.

§ 2. This act shall be in effect from and after its passage.

Approved March 6, 1872.

CHAPTER 426.

AN ACT to amend an act, entitled "An act to incorporate the town of Brownsville, in Edmonson county," approved February 15th, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the qualified voters of said town to elect a police judge and town marshal on the first Saturday in April next, and on the first Saturday in April every two years thereafter, who shall hold their offices until their successors are elected and qualified; five days' written notice of the first election shall be given by the trustees of said town, by posting the same on the courthouse door and two other public places in the town. The elections hereby provided for shall be held by the trustees of said town, two of them to act as judges and one of them to act as clerk. The chairman of the board of trustees, in the presence of at least two other members of the board, shall compare the polls and give certificates of elections to the persons elected, and shall forward a duplicate certificate of the election of the police judge to the Governor, and of the town marshal to the judge of the Edmonson county court. The police judge shall enter on the discharge of the duties of his office as soon as he receives his commission from the Governor, and takes the oath of office required by law. The town marshal shall

Police judge and marshal to be elected and term of office.

1872. enter upon the discharge of the duties of his office upon his executing bond, with security, in the Edmonson county court, as required by law of constables, and takes the oath of office required of constable.

Power and jurisdiction of police judge.

§ 2. That the police judge elected under the provisions of this act shall have concurrent jurisdiction in said town, and in the justices' district in which said town is included, with justices of the peace in all civil, criminal, and penal actions and proceedings, including actions and proceedings for violations of the by-laws of said town, and shall be entitled to the same fees, and collect them in the same manner, that justices of the peace are entitled to and authorized by law.

Appeals may be taken.

§ 3. That appeals may be taken from the judgment of said police court in the same manner, and to the same courts, as appeals are taken from the judgments of justices of the peace.

Powers of marshal.

§ 4. That the town marshal shall have the same jurisdiction, powers, and authority in said town, and county of Edmonson, that constables have by law, and shall be entitled to the same fees that constables are allowed by law for like services.

Fines and forfeitures to be paid into town treasury.

§ 5. That all fines and forfeitures recovered before said police court, for violations of the by-laws of the town, and for penal offenses committed within the limits of said town, shall be paid over to the treasurer of the board of trustees of the town, for the improvement of the streets and alleys of said town: *Provided*, That in cases in which the county attorney prosecutes, he shall be allowed the percentage now allowed by law.

§ 6. That so much of the act to which this is an amendment, as is inconsistent with this act, is hereby repealed.

§ 7. That this act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 427.

AN ACT to amend and reduce into one the several acts relating to the Preachers' Aid Society, of the Louisville Annual Conference of the Methodist Episcopal Church, South.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporation established.

§ 1. That the Preachers' Aid Society of the Louisville Conference of the Methodist Episcopal Church, South, in that name and style be created a body-politic and corporate, with perpetual succession, and in that name have power to sue and be sued, plead and be impleaded, in any of the superior or inferior courts of this Commonwealth, and have a common seal.

§ 2. That the officers of the society consist of a president, two vice presidents, a secretary, treasurer, and nine managers, who shall be elected annually, at such time and place as shall be fixed by a majority of the society, and continue in office one year, or until their successors be duly elected.

1872.

Officers of
corporation &
term of service.

§ 3. That the object of this society shall be to render aid and assistance to the superannuated or worn out preachers of said conference; and also for the aid of the wives and children of such ministers of said conference as have died in the regular itinerant service as ministers; and furthermore, for the relief of such of the effective preachers of said conference as may be in need.

Objects of
society.

§ 4. The society shall have power to enact and enforce such by-laws, rules and regulations, as they shall think proper for their government, and for the regulation and transaction of the business of the society: *Provided*, The same does not conflict with the Constitution and laws of this Commonwealth.

May make
by laws, rules
& regulations.

§ 5. That the society shall have full power to receive and hold, for the purposes expressed in the third section, by gift or devise, any property, real or personal, and sell and dispose of the same as they may think best for the promotion of the object of the society. All property, whether real or personal, which is now held by the society, or may hereafter be acquired by it in any way, shall, without delay, be converted into interest-bearing bonds, and be so kept and held, except the interest annually accruing upon the invested capital of the society, which interest may be disbursed among the claimants upon the society, or reinvested so as to increase the capital, at the option of the society, it being the design of this section to provide that the invested capital shall never be used for any purpose whatever.

May receive
gifts, devise,
&c.

§ 6. That an act, entitled "An act to incorporate the Preachers' Aid Society of the Louisville Conference of the Methodist Episcopal Church, South," approved January 26th, 1858, and an act, entitled "An act to amend an act to incorporate the Preachers' Aid Society of the Louisville Conference of the Methodist Episcopal Church, South," approved January 21st, 1871, be, and the same are hereby, repealed.

§ 7. This act shall take effect and be in force from its passage.

Approved March 6, 1872.

1872.

CHAPTER 428.

AN ACT to amend the charter of the Lexington Library.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name & style.

Corporate powers.

Officers of corporation, and time of election.

§ 1. That Benjamin Gratz, W. A. Leavy, W. S. Chipley, James Wasson, Robert Peter, J. W. Cochran, J. B. Bowman, H. T. Duncan, J. S. Wilson, H. G. Craig, H. Shaw, J. M. Elliott, J. D. Pickett, and R. J. Spurr, and their associate shareholders, and all persons who may hereafter become shareholders in the Lexington Library Company, not to exceed in number at any one time two thousand, are hereby created a body-politic and corporate, under the style and name of the Lexington Library Company; and by that name and style may sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, in all courts of law and equity in this Commonwealth; and shall be capable in law of purchasing, acquiring, and holding, to them and their successors, any real or personal estate which shall be purchased, given, granted, or devised for the use of said Lexington Library Company, or which they may now have, not to exceed one hundred thousand dollars in value, exclusive of books, maps, paintings, and statuary; and they may sell, rent, or otherwise dispose of and convey the same; they may have and use a common seal, and change the same at pleasure; and are granted the power to make such by-laws, for the government and management of their property, and protection of the rights of the company, as do not conflict with the laws and Constitution of Kentucky or of the United States.

§ 2. The officers of the company shall consist of seven directors, treasurer, secretary, and librarian or librarians; the latter two offices may be held by one person. The directors shall be elected annually on the first Saturday in January, and hold their offices for one year, and until their successors shall be elected. If for any cause the election of directors shall not be held on the first Saturday in January, then it may be held on the next or following Saturdays; the first election, however, under this amended charter, shall be held within thirty days after the passage of this act; at which meeting of shareholders the question of the adoption or rejection of this amended charter shall be submitted to a vote of the shareholders; and if a majority of the votes cast shall be in favor of its adoption, then it shall be the charter of said company until lawfully changed; but if rejected, the existing charters shall remain in full force and effect. The directors shall choose one of their number to act as chairman, whose official signature, countersigned by the secretary, shall be evidence

of the act of the company. The treasurer, secretary, and librarian or librarians shall be chosen by the directors, to whom they shall be strictly accountable for their official acts; and they may be removed at any time, that in the opinion of the directors, the good of the company may require. The directors shall at all times be strictly accountable to any general meeting of the shareholders for the faithful discharge of the duties pertaining to their office, and may be removed therefrom by a vote of a majority in interest of those present at such meeting. Vacancies occurring in the board of directors may be filled by the board until the first meeting of shareholders.

1872:

Vacancies—
how filled.

Called meet-
ings.

§ 3. General meetings of the shareholders, other than the annual meetings, may be called at any time by the board of directors, or by their chairman, at the request of two of the directors or of five of the shareholders; when this is not practicable, then by seven shareholders uniting in the call, and giving two weeks' public notice of the time of holding such meeting, which same shall be held at the time indicated in the notice, at which meetings the condition of the library and its property, and the conduct of the officers, may be investigated and acted on.

§ 4. Fifteen shareholders present in person at any meeting of shareholders shall constitute a quorum to do business; a majority vote of the shares represented on such occasions shall determine all ordinary questions; but they shall not have power to divert the funds or property of the company from the general purposes of a public library for the city of Lexington and its vicinity, nor to make or authorize any contracts beyond their immediate available cash means.

Quorum of
stockholders.

§ 5. The property of the said company shall be exempt from all taxation, and shall never be mortgaged or subject to a lien, nor in any manner be made liable for any debts or engagements hereafter incurred.

Property ex-
empted from all
taxation.

§ 6. This amended charter shall not be altered or amended except on the application of two thirds of all the shareholders, made by a personal vote or specially written proxy at a public meeting of the shareholders, called for the purpose of amending the charter, which purpose must be stated in the notice for such meeting, unless, however, the Legislature, from motives of public policy, reserves the right to alter, amend, or repeal this charter.

§ 7. At the first meeting of shareholders after the passage of this act, or at any subsequent time, they may adopt a code of by-laws, which may be changed at any general meeting of shareholders, or by the unanimous vote of the board of directors, subject to the approval of share-

May adopt
by-laws.

1872. holders. In all elections, no shareholder shall put in or cast more than three votes by proxy.

§ 8. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 429.

AN ACT allowing the citizens of the incorporated town of Stephensport to vote for or against the sale of spirituous, vinous, or malt liquors in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the citizens of the incorporated town of Stephensport, Breckinridge county, shall be, and the same are hereby, empowered to determine, by vote of the legal voters of said town, within its corporate limits, whether or not spirituous, vinous, or malt liquors shall be sold in said town; the time and manner of said election to be fixed by the magistrates of said Stephensport.

§ 2. That any widow, being a bona fide housekeeper, or the mother of a family, shall be eligible to vote in said election, either in person or by proxy.

§ 3. This act to take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 430.

AN ACT to prevent the destruction of fish in Cumberland and Tennessee rivers, and their tributaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to stretch a set-net, or otherwise use a fish-net of any description, other than an ordinary dip-net, for taking and catching fish in the Cumberland and Tennessee rivers, and their tributaries, within the limits of the counties of Livingston, Lyon, Marshall, and McCracken.

§ 2. That each and every person who shall be guilty of a violation of this act shall, for each and every offense, be subject to a fine of fifty dollars.

§ 3. The penalty imposed by this act may be enforced by warrant issued by, and returnable before, the presiding judge of a county court, or before any justice of the peace or police judge; and such warrant or other process may be directed to the sheriff, or any constable or town marshal, of said counties.

§ 4. No prosecution shall be entertained by any officer for the violation of this act, where the offense has been committed for a longer period than one year.

1872.

5. This act to take effect from and after the first day of March, 1872.

Approved March 6, 1872.

CHAPTER 432.

AN ACT to amend an act incorporating College Street Presbyterian Church, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of deacons, the trustees under said act, be, and they are hereby, authorized to issue and sell the bonds of said corporation, in such form, and in such amounts, payable at such times and places, bearing interest not to exceed ten per cent. per annum, payable semi-annually, with coupons attached, as they shall deem proper, and to an amount not exceeding twenty thousand dollars, and may secure the same by a mortgage on such real and personal estate of the corporation, which it owns now, or may hereafter own, as may be designated in said mortgage. Said bonds shall be signed by the president and secretary of said board of deacons.

§ 2. That the corporation may purchase, and otherwise acquire and hold real estate, not exceeding ten acres, and may sell, lease, or otherwise dispose of the same.

§ 3. That the corporation may receive and hold any real or personal estate, by gift, grant, or devise, and may sell, lease, or otherwise dispose of the same.

§ 4. That so much of the act to which this act is an amendment, as comes in conflict with this act, be, and the same is hereby, repealed.

§ 5. That this act shall take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 433.

AN ACT for the benefit of Samuel Biggerstaff, of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel Biggerstaff is hereby authorized to list his uncollected taxes with his successor in office, or any constable of Madison county, and the officer with whom they are listed is hereby authorized to collect the same.

§ 2. This act shall take effect from its passage.

Approved March 6, 1872.

LAWS OF KENTUCKY.

1872.

CHAPTER 434.

AN ACT to amend an act, entitled "An act for the benefit of the citizens of Jackson county, in relation to the Wilderness Turnpike Road."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no citizen of Jackson county shall be required to pay toll at any gate on the Crab Orchard branch of the Wilderness Turnpike Road, between John Pittman's and the Livingston Depot of the Louisville and Nashville Railroad.

§ 2. This act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 436.

AN ACT for the benefit of Merrill Hardin.

WHEREAS, Merrill Hardin, of Garrard county, paid to John L. Slavin, sheriff of said county, on the 6th day of November, 1866, the sum of \$4,084 56, being the purchase price for a tract of land sold by said sheriff under an execution from the Franklin circuit court, in favor of the Commonwealth against James L. Anderson, defaulting sheriff of said county, for the revenue for the year 1865, and said Slavin having paid said amount to the Auditor of Public Accounts, less his commission; and whereas, the judgment upon which said execution issued has been reversed by the Court of Appeals, and decided to be absolutely void; and whereas, there are superior and bona fide liens upon said land for an amount exceeding its value, and it is but justice that said Hardin shall have the money refunded him so paid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, empowered and directed to draw his warrant on the Treasurer of the State for the sum of four thousand and eighty-four dollars (\$4,084 56) and fifty-six cents in favor of said Merrill Hardin, and the Treasurer is directed to pay the same out of any funds not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1872.

LAWS OF KENTUCKY.

CHAPTER 437.

AN ACT for the benefit of George W. Brown, of Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Brown be, and he is hereby, permitted to build and erect a mill-dam across the North Fork of the Kentucky river, near his house, about three and one half miles below the town of Whitesburg, in Letcher county; said mill-dam not to exceed six feet in height.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 438.

AN ACT to authorize Lorenzo Dow Clark, sr., to erect a mill-dam across Big Mud creek, in Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lorenzo Dow Clark, sr., he, and he is hereby, authorized to erect a dam across Big Mud creek, in Floyd county, not to exceed six feet in height, to be attached to any grist and saw-mill which he may build on either side of said creek, on his own land, at or near the house now occupied by William Greer: *Provided*, That said Clark shall build a good flood-gate at or near the centre of said dam, large enough to let all saw-logs pass through: *And provided further*, That said flood-gate shall be open during a flood or high water, free of charge to all persons who own saw-logs above said dam, and desire to pass them through said flood-gate.

§ 2. This act shall take effect and be in force from its passage.

Approved March 6, 1872.

CHAPTER 439.

AN ACT to amend an act, entitled "An act to protect small game in Lewis county, and to amend the amendments thereto."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That none of the provisions of the said act shall apply or be in force for the offense of pursuing, hunting, catching, killing, or in any manner destroying or injuring the birds and game in said act mentioned, unless the

1872.

owners of the lands upon which such acts or offenses were committed have previously thereto had their names, and a description of their said land, recorded in a book to be kept for the purpose in the clerk's office of the county court.

§ 2. The county clerk for his services in entering the name of the land-owner, and a description of his land, shall be allowed a fee of fifty cents, to be paid by the party thus entering his name.

§ 3. This act shall apply only to Daviess and Lyon counties, and take effect from its passage.

Approved March 6, 1872.

CHAPTER 440.

AN ACT to prevent the sale of spirituous liquors at retail in the Peak's Mill voting precinct, in Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful for any person to sell spirituous liquors at retail in the Peak's Mill voting precinct, in Franklin county.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 441.

AN ACT to prevent the sale of spirituous liquor within one mile of East Hickman Baptist Church, in Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, in any quantity, within one mile of East Hickman Baptist Church, in the county of Fayette.

§ 2. Any person violating the provisions of the first section shall, upon conviction thereof, be fined not less than fifty nor more than two hundred dollars.

§ 3. This act to take effect from its passage.

Approved March 6, 1872.

CHAPTER 442.

1872.

AN ACT for the benefit of Gilead Presbyterian Church, in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lewis Hardin and Jas. Workman, the surviving trustees of Gilead Presbyterian Church, in Bath county, be, and they are hereby, authorized and empowered to sell and convey the real estate belonging to said church, and to reinvest the proceeds of such sale in the purchase of another lot in the same neighborhood, for the purpose of erecting a new church, and the establishing of a cemetery for the same congregation.

§ 2. That this act to take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 443.

AN ACT to prohibit the sale of ardent spirits in Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act it shall be unlawful for any person or persons in the county of Morgan to sell, vend, loan, or barter, in any manner, either whisky, brandy, rum, gin, wine, ale, lager beer, or the mixture thereof of either, or any kind of ardent, vinous, malt, fermented, or intoxicating liquors, in any manner whatever, or of any kind whatever, in any quantity less than ten gallons.

§ 2. That any person or persons violating the provisions of the first section of this act shall be liable to all the pains and penalties prescribed by existing laws against keeping tippling-houses, retailing ardent spirits, or the sale and vending of ardent spirits; and it shall be the duty of the circuit judge of Morgan county to give this act specially in charge to the grand jury of said county at each term of its circuit court.

§ 3. That nothing in this act shall affect the rights possessed by distillers under existing laws.

§ 4. This act shall take effect from its passage.

Approved March 6, 1872.

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CHAPTER 444.

AN ACT to incorporate the district of Hayfield, in Campbell county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Boundary of
district.

§ 1. That so much of the county of Campbell as may be embraced within the following boundary, viz : beginning at the mouth of Four Mile creek, on the Ohio river, in the county of Campbell; thence up said creek, with its meanders, to a stake in the upper line of Blan farm; thence along said line, and in the direction of Blanke's Mill road with the Ten Mile road, at or near Smith's farm; thence down said Ten Mile road to the Ohio river; thence down the Ohio river at low water mark to the mouth of Four Mile creek, the place of beginning, is hereby established as a separate justices' and election district in said county, and the inhabitants thereof are created a body-politic and corporate, by the name and style of the district of Hayfield, in Campbell county, for the purposes hereinafter mentioned.

Two justices
and constable
to be elected.

§ 2. Two justices of the peace and one constable shall be elected for said district by the qualified voters thereof, at the times and in the manner and having the qualifications required by the Constitution and laws of this Commonwealth; and all elections for said district shall be held at such a place in said district as the trustees thereof may, from time to time, designate. Notice of the place of election shall be posted up in four public places in said district, at least fifteen days before an election.

Trustees—
when elected &
term of office.

§ 3. The government of said corporation shall be confided to a board of seven trustees, having the qualification of owners of real estate within the limits of said district, who shall be chosen annually, on the first Monday in August in each year, by the qualified voters within said district, who shall serve for one year, and until their successors are elected and qualified; and until the first election, George Moscher, Anthony Pfeiffer, Peter Young, U. P. Degman, Peter Engweiler, T. H. Berry, and Chas. B. Anderson, and such qualified persons as they may appoint to fill vacancies, are empowered, after being sworn according to the Constitution and laws, to act as such trustees.

Trustees to
elect officers.

§ 4. The trustees shall have power to select one of their own number as chairman, who shall preside at their meetings, and in case of his absence, a chairman *pro tem.*; they shall elect a clerk, treasurer, and other corporation officers during their pleasure, and appoint such policemen for the district as they may deem proper, and remove them at pleasure, and appoint others in their stead; they may meet at such times and places as they may see fit, or as their chairman may appoint; and a majority of them shall be a quorum to do business; they shall keep a record of their

proceedings, and may pass such by-laws, rules and regulations, for the good government and police of said district, as they may see fit, not inconsistent with the Constitution and laws of this State or of the United States, and provide for their observance by adequate penalties, which may be enforced before the justices of the peace for said district; they may make regulations to prevent stock of all kinds from running at large in said district, and provide a pound for impounding such stock, at the cost of the owner thereof, and shall have a lien on such stock for such cost, to be enforced before a justice of the peace for said district, in such manner as the by-laws may provide; they shall have power to levy a tax of not exceeding five cents on each one hundred dollars of the valuation of all the real estate in said district, for ordinary purposes, and such additional taxes, general and special, as a majority of all the owners of real estate in said district may assent to; but no levy shall be in force for longer than one year, except for collection of what may be due and unpaid thereon; they shall have the management and supervision of all public roads in said district, except the chartered turnpikes passing through the same, and shall keep the same in good order and repair; and for failure to do so shall be liable to the penalties denounced by law against surveyors of public highways for such dereliction, to be enforced in like manner; and they shall be entitled to receive their just proportion of the Campbell county road tax for such road purposes. They may grade, pave, or macadamize, either with rock or gravel, any public road passing through or into said district, within the limits thereof, and erect toll-gates, and demand and receive tolls from persons passing, in accordance with the laws in force relating to turnpikes in this State; and with the assent of two thirds of the owners of real estate by or through which any such road may pass, may levy special taxes on such real estate to pay for such grading and paving or macadamizing; or they may receive and collect subscriptions for such work, giving to each subscriber, when his subscription shall be paid, a certificate of stock to the amount subscribed; and in case of taxation, a like certificate to the amount of tax collected from him. They shall also have power to fill all vacancies which may happen, by choosing fit persons to serve until the next election.

§ 5. All suits and actions prosecuted or defended for said corporation, and all proceedings for the enforcement of the by-laws for said district, shall be in the name of the trustees of the district of Hayfield, in Campbell county.

§ 6. As soon as possible after their first organization the trustees shall cause to be surveyed and marked the boundaries of said district, and shall cause a plat thereof to be

1872.

Powers of trustees.

All suits to be in name of trustees of district.

1872. recorded in the deed-book of the county clerk's office at Newport and Alexandria, all at the expense of said district.

§ 7. At all State and county elections hereafter the qualified voters residing in said district may vote at the voting place in said district, and not elsewhere.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 6, 1872.

CHAPTER 445.

AN ACT for the benefit of the Middleburg and Liberty Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Middleburg and Liberty Turnpike Road Company be, and the same is hereby, authorized to erect two gates on the road of said company, but only half tolls shall be collected at each gate.

§ 2. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 446.

AN ACT to incorporate the Pewee Valley Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name & style.

§ 1. That Henry Smith, J. H. Rhorer, and J. C. Stump, their successors and associates, be, and they are hereby, constituted a body-corporate, under the name and style of the Pewee Valley Cemetery Company; and by that name they shall have power to contract and be contracted with, sue and be sued; use a common seal; make all necessary by-laws, rules and regulations, for its government, not inconsistent with law and the provisions hereof; and do such other things as are incident to such a corporation, and necessary to effectuate the object and purpose thereof, which is to provide a suitable and permanent cemetery at Pewee Valley for the burial of the dead.

Corporate powers.

§ 2. Said corporation shall have the power to take, acquire, and hold, by purchase, gift, or devise, for the purpose aforesaid, any quantity of land in the county of Oldham, and in or near the town of Pewee Valley, not exceeding forty acres, and receive a conveyance of the same in its corporate name, which land, when so

conveyed, shall be held by said corporation for a cemetery, and shall never be alienated or used by said corporation for any other purpose; and said land and its appurtenances shall be forever free and exempt from all taxation, and from all executions, attachments, or other legal process, and from any charge, liability, appropriation, or assessment, to or for any public purpose, inconsistent with its use as a cemetery, for which purpose and use it is hereby forever dedicated.

1872.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating the said avenues and walks by name, and the said burial lots by numbers; which plat or plan shall be recorded on the books of said corporation, and on the records of titles of Oldham county. After the said land is thus laid off, the corporation shall have power to sell said burial lots in such manner, and on such terms, as may be prescribed by the board of directors of said corporation.

Corporation shall cause plat to be made and recorded.

§ 4. Each purchaser of a burial lot in said cemetery, upon the production of a receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot, which conveyance shall be made by a certificate of the board of directors of the corporation, under seal of the corporation, and countersigned by the acting secretary of the corporation, specifying that such purchaser is the owner of such lot or lots, which certificate shall be recorded on the books of the corporation and on the records of title of Oldham county; and such certificate shall vest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs and assigns forever, exempt and free from all assessments or taxations or executions, attachments, or other legal process, and shall have the same effect for all purposes as deeds duly executed, delivered, and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations, of the corporation and its board of directors; and said lots shall never be used by said purchasers for any other purpose than that of burial lots; and if applied to any other use, the right and title thereto shall revert to the corporation.

Purchaser to receive conveyance of lot.

§ 5. Each person receiving a certificate as aforesaid for one or more of the said lots shall thereby become, and be considered thereafter, a member of this corporation, and he shall be entitled to a vote in all meetings of the corporation.

Purchaser of lot to become stockholder.

§ 6. The affairs and business of the corporation shall be managed by a board of three directors, all of whom must

Directors—when elected & term of office.

1672.

Directors to
appoint officers

be lot owners in said cemetery. This board of directors may be elected annually by the members of the corporation, and may hold their office for one year, and until their successors are elected and qualified; they shall choose a president out of their number, and they may appoint a secretary and treasurer, who shall give such bond as they may require for the faithful performance of his duties. All vacancies in said board of directors shall be filled by an appointment made by the president.

May make by-
laws, rules and
regulations.

§ 7. The board of directors shall make such by-laws, rules and regulations, as they may deem proper for calling and conducting their meetings, and for the transaction of their business and duties; they shall have control of all the business transactions of said corporation; shall collect and expend for the said corporation all moneys; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, embellish, and adorn the cemetery grounds, and to prescribe rules for inclosing, adorning, and erecting monuments or vaults upon the cemetery lots by purchasers; and shall have power to prohibit any use, division, or adornment of a lot which they may deem improper, or may abate or alter the same. At the regular meetings of the corporation, which shall be called annually by the board of directors, upon such day as they may deem proper, the board of directors shall report their actions and the condition of the corporation.

§ 8. The persons hereinbefore named as incorporators shall constitute the first board of directors of the corporation.

Penalty for vio-
lating graves.

§ 9. If any person shall willfully, and without lawful authority, violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, plant, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the corporation, or to the owner of the lot injured, for the damage or injury done, he shall be fined not less than \$10 nor more than \$50 for each offense, recoverable by warrant before the police judge of Pewee Valley.

§ 10. This act shall take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 447.

1872.

AN ACT to incorporate the Owenton and Twin Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, for the purpose of constructing a turnpike road from the point of intersection of the Owenton and Clay Lick Turnpike Road Company, at or near where the Owenton and Clay Lick Turnpike are erecting a toll-gate house, about one half mile west of Owenton, running from said [town] in a westerly direction over the most practicable route to Twin creek; thence down Twin creek to the terminus of the turnpike, running from Mrs. Simpson's, by J. W. Vallandigham's, to Twin creek, to be designated by the commissioners.

Company incorporated.

§ 2. The capital stock of said company shall be six thousand dollars, divided into shares of twenty-five (25) dollars each; but the same may be increased by additional subscriptions, in the manner and form as the president and directors of said company may think proper, if such enlargement shall be found necessary to fulfill the intent of this act.

Capital stock.

§ 3. That books for the subscription of stock in said company shall be opened on the first Monday in March next in Owenton, Kentucky, and at some place on Twin creek, or at any time afterwards, under the superintendence of Harrison J. Foster, Ben. P. Yancey, James Williams, H. P. Montgomery, and Wilson Hunt, or some one or more of them, who are hereby appointed commissioners; and the subscribers to the stock of said company shall enter into the following obligation in said books, viz: "We, whose names are hereunto subscribed, do hereby, respectively, bind ourselves to pay to the president and directors of the Owenton and Twin Creek Turnpike Road Company the sum of twenty-five dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company;" which obligation may be enforced in the proper courts.

May open books for subscription of stock.

§ 4. That the company formed and organized by the provisions of this charter shall be, and is hereby, created a body-politic and corporate, in deed and in law, by the name and style of the Owenton and Twin Creek Turnpike Road Company; and under the name and style aforesaid shall have perpetual succession, and all the privileges, immunities, and franchises of a body-politic and corporate; and as such, shall be capable of contracting and being contracted with, of purchasing, taking, and holding, to

Name and style.

Corporate power.

1872. them and their successors and assigns, and of selling and conveying in fee-simple, all such lands and tenements and estate, real, personal, and mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatsoever; and also to make, have, and use a common seal, and the same to break, alter, or renew; and to do any and every act which a body-politic and corporate may lawfully do.

§ 5. That said road shall be built so that elevation of degree shall not be more than five degrees at any one place, grade not less than twenty (20) feet wide, and the metal not less than ten (10) feet wide, and an average depth of metal not less than nine inches.

§ 6. Said president and directors shall have the power to acquire the right of way for said road, stone quarries, and land for toll-gates, to the extent and in the manner authorized by chapter 103 of the Revised Statutes.

§ 7. This act to take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 448.

AN ACT to incorporate the Benevolent Society in the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. § 1. That G. W. Dupee, Anderson Bowman, Frank Owens, Nelson Owens, and John Owens, any three of whom may act, are authorized to open books and receive subscriptions for the purpose of purchasing a lot and erecting suitable buildings, furnishing, and maintaining a Benevolent Society, in the city of Paducah.

May receive subscriptions to aid society. § 2. It shall be lawful for said named persons, or a majority of them, to receive the list of subscriptions heretofore made for the purposes above enumerated.

Election of directors. § 3. Whenever there shall be subscribed as much as three hundred dollars of *bona fide* stock, then the above named persons, or a majority of them, shall call a meeting of all the stockholders, after giving public notice at least five days of the time and place of meeting; when the stockholders shall organize and elect five directors, one of whom they shall designate as president, which directors, when elected, shall have the management of all the financial, prudential, and charitable matters pertaining to this organization.

Corporate power. § 4. The said Benevolent Association shall be a body-corporate, with power to sue and be sued in any of the courts in this Commonwealth; and service of process on

its president, or, in his absence, the chief officer, shall be lawful.

1872.

§ 5. Said president and directors shall have the power to employ such person or persons to aid in carrying out the purposes of this organization as they may see proper.

May appoint officers.

§ 6. This Association is solely for charitable purposes, and the property or funds of the association are never to be diverted or used for any other purpose.

Object of society.

§ 7. It shall be the duty of said president and directors to provide by a by-law for the annual election of their successors; but they shall continue in office till their successors enter on their duties; and in case of a vacancy, the board shall fill it till the next annual election.

Directors to provide for annual election of officers.

§ 8. It shall be lawful for the said president and directors to make such by-laws for the government of the institution as may be necessary to carry into effect its objects, but not to be inconsistent with this charter, or the laws of this State.

May make by-laws.

§ 9. The president and directors may issue bonds for sums not less than twenty-five dollars, payable in five years, and bearing interest at a rate not exceeding ten per cent.; but the whole amount issued shall not exceed five thousand dollars.

May issue bonds.

§ 10. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 440.

AN ACT to amend an act, entitled "An act to amend the charter of the American Printing House for the Blind," approved April 3d, 1861.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to amend the charter of the American Printing House for the Blind," approved April 3d, 1861, is hereby so amended as to empower the trustees therein mentioned, or their successors, to receive by legacies, conveyances, or otherwise, lands, money, and other property, and the same to retain, use, and apply to the publishing of books, music, maps, and other means of instruction, in raised characters for the blind.

§ 2. That section six of the act to which this act is amendatory is hereby amended to read as follows: The superintendents of all the institutions for the education of the blind of the United States are hereby constituted a co-operative, advisory, and managing body with the trustees of the American Printing House Company; and it shall be the duty of the board of trustees, before commencing the publication of any book, to request the superintendent

1872. of every institution for the education of the blind in the United States to make out and send to the trustees of the Printing House a list of such books as he may deem most desirable for the use of the blind ; and said trustees shall select for publication the book that shall have received the greatest number of superintendents' votes in its favor. This mode of selecting books for publication shall be repeated at least once every year.

§ 3. This act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 450.

AN ACT to incorporate the Woodland Market-house Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

Corporate powers.

§ 1. That Jno. E. Bell, Jno. M. Letterle, Adam Sauer, Julius Dorn, Henry Koch, William Johnston, R. W. Woolley, and J. C. Johnston, and their associates, successors, and assigns, be, and they are hereby, erected into a body-corporate, under the name and style of the "Woodland Market-house Company;" which corporation, by and in that name, shall have the right to sue in all the courts of this Commonwealth, and be liable to suit in the same; to make and keep a common seal which it may break or alter at pleasure; and to make and establish such by laws and regulations as may be necessary for the conduct and management of its business, not inconsistent with this charter and the laws of the land, and to alter or amend the same at pleasure.

§ 2. The said corporation shall have the same powers as a natural person in acquiring, holding, and selling real estate, or other property, within the boundaries of Main street, East Main street, and Johnston street, in the city of Louisville, in this State, for the purpose of erecting a market-house, with stories above and stores adjoining it; and, beyond these boundaries, in acquiring and holding real estate or other property by way of mortgage security, payment, or satisfaction of any debt or debts which may be due it, and in selling the same.

§ 3. The said corporation shall have all powers necessary and expedient in order to erect, control, and conduct a market-house, with store-rooms adjoining and stories above it, and to rent or lease the same, or any part of them, to such persons as the corporation may choose; and to dispose of and conduct the whole, or any part thereof, for entertainments or other purposes, not illegal by the laws of this State.

§ 4. The capital stock of said corporation shall not exceed fifty thousand dollars, in shares of not less than one hundred dollars each, books of subscription for which shall be opened by the corporators above named, or any three of them, at a meeting to be held by them in Louisville, Kentucky; and said books of subscription shall remain open until twenty thousand dollars shall have been subscribed, after which the subscription for the balance of the capital stock of said corporation shall be allowed only by vote of the directors hereinafter indicated. One certificate of stock may evidence any number of shares.

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Capital stock.

§ 5. Within three weeks after a subscription for twenty thousand dollars of the capital stock of said corporation shall have been made, the corporators above named, or any three of them, shall call a meeting of the stockholders in said corporation, who may then, or at a subsequent meeting, organize the company by electing from the number of stockholders a president, vice president, secretary, and treasurer, who shall be holders of not less than five shares of stock each; and said officers shall constitute a board of directors or governors for said corporation, who, or a majority of whom, shall have full power and authority to act in all respects for said corporation in exercising and carrying out all its powers and franchises; and of said board the president of the company shall be the presiding officer; and each of said officers shall perform such duties and receive such compensation as shall be fixed by the by-laws. The said officers shall hold their offices for one year from the date of their election, or until their successors shall be elected and qualified; and in case of a vacancy occurring, it shall be filled by the remaining officers. At all elections held by the stockholders each share of stock shall be entitled to one vote, which may be cast by the owner, either in person or by proxy; and a majority of the votes cast shall determine the election. The manner of conducting the elections shall be as prescribed in the by-laws.

Election of officers—when and how held.

Compensation of officers to be fixed by by-laws.

§ 6. The said corporation, acting through its board of directors or governors as aforesaid, may, as often as determined upon, issue its bonds in any sums not less than one hundred dollars each; but the whole amount of bonds so issued shall at no time exceed the amount of the capital stock subscribed and paid for. Said bonds may be made payable in whole or in installments, at such times as may be designated by their tenor, and may draw such interest as the board of directors may determine, not exceeding the conventional rate of interest allowed by the laws of this State; and said bonds shall be

May issue bonds and secure same by mortgage.

1872. secured by mortgage upon the property and franchises of said corporation.

Corporate powers. § 7. The said corporation shall have power to make all contracts, not conveying the fee in real estate, by its president, either orally or in writing; and the written contracts may be signed by the name of the corporation, without seal; any writing by said corporation, conveying the fee of real estate, shall be signed with the seal of the corporation; but any real estate may be accepted by it, without seal or agency, and as a private person can accept the same.

§ 8. The said corporation shall have regular books kept, showing a true account of all its business and transactions, and once, at least, in each year, shall lay before its stockholders a detailed statement of the same; and when the net profits of the business of said corporation will justify, it may declare dividends upon the shares of its stock, either in money or in stock; and the board of directors aforesaid shall be competent to decide on the propriety of declaring such dividends.

Stock to be assignable according to by-laws. § 9. The stock of said corporation shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a prior lien upon the stock of any stockholder to secure any indebtedness or liability of any kind of his to said corporation; and shall have all the rights of a natural person under the laws of this State as to distress and attachment for rent in any part of its premises; and within a radius of two thousand feet in any direction, no other market-house shall be built or established.

Penalty for fraud in officers § 10. Any officer or employee of said corporation, who shall appropriate any of its funds or property to his own use, or who shall willfully and knowingly make false entries, or fail to make correct ones on the books of said corporation, with intent to cheat or defraud the said corporation or any other person, or to conceal any improper appropriation of funds, the officer or person so offending shall be deemed guilty of a felony, and shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this Commonwealth for a period of not less than five nor more than ten years.

On notice stockholders may close up affairs. § 11. On twenty days' notice of their intention so to do, two thirds of the stockholders of said corporation may put it into liquidation, and close and wind up its affairs, said notice to be given by public advertisement in a prominent newspaper in the city of Louisville, Kentucky. Upon such determination, it shall be the duty of the board of directors to realize so much of its assets as may be required; and after paying off all debts and outstanding

legal obligations against said corporation, to convert the residue of its property into money as rapidly as possible, and to divide the same so realized, pro rata, among its stockholders.

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§ 12. The subscription to the capital stock of said corporation may be called for in such sums, and at such times, as the said board of directors may order, notice of which order shall be published in some daily newspaper published in the city of Louisville. Should any of the subscribers fail to pay their subscription to the stock of said corporation, the board of directors may, after giving ten days' notice in some paper published in the city of Louisville, Kentucky, by resolution entered on the records of said corporation, forfeit such stock; and all partial payments made upon any stock which shall be so forfeited, shall belong to, and be held for the benefit of, said corporation.

Mode and manner of paying in capital stock.

§ 13. If such land as may be necessary for the purposes hereinbefore set forth cannot be procured by purchase or agreement, the said company may have the same condemned by filing its petition with the clerk of the Jefferson county court, and obtaining thereon the necessary writs of *ad quod damnum*, and procuring the regular condemnation thereunder, as required by law: *Provided*, That the consent of the general council of the city of Louisville, evidenced by resolution, be first obtained; and that this section shall be null and void in six weeks from the passage hereof.

May condemn lands for purposes of company.

§ 14. This act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 451.

AN ACT to re-enact and amend an act, entitled "An act to incorporate the town of Carrsville, in Livingston county."

WHEREAS, The persons appointed trustees of the town of Carrsville by an act of Assembly, entitled "An act to incorporate the town of Carrsville, in Livingston county," approved February 28th, 1860, have failed to qualify and undertake the discharge of their duties under the said act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the provisions of an act, entitled "An act to incorporate the town of Carrsville, in Livingston county," approved March 28th, 1860, be, and the same are hereby, re-enacted, except the thirty-second section thereof, and so much of the thirteenth section thereof as

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requires the trustees of said town to meet once every two weeks, which are hereby repealed; and in lieu of the said portions of said act repealed, it is enacted that J. C. Barnett, Webb Owens, Joseph Bridges, C. L. Harris, and J. N. Clemons, be, and they are hereby, appointed trustees of said town of Carrsville; and upon them is conferred all the powers, and imposed all the duties, of trustees prescribed by the said act incorporating said town; and they shall hold their office until the election for trustees of said town, and until their successors are elected and qualified. An election for trustees of said town shall be held on the first Monday in May, 1872, in the same manner as provided by the act to which this is amendatory. All the officers of said town shall hold their office until their successors are elected and qualified; and shall, before they enter upon the discharge of their duties, take an oath before some judicial officer of this Commonwealth that they will faithfully, and to the best of their skill and judgment, discharge all their duties as such officers.

§ 2. That the said trustees may meet at such times and places in said town as they may, by order, fix, or may meet at any time after due notification by the president of each trustee of the time and place of meeting. Four trustees, including the president, shall constitute a quorum for doing business.

§ 3. This act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 452.

AN ACT to incorporate Barlow City, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town incorporated.

§ 1. That the town of Barlow City, in Ballard county, be, and the same is hereby, incorporated.

Trustees' names and term of office.

§ 2. That Thos. Barlow, Wm. Howell, Wm Pigeon, John Sprouse, and Mynero Tharp, be, and they are hereby, appointed trustees of said town, and shall continue in office until the first Monday in June, 1872, and until their successors in office are elected and qualified; and said trustees, and their successors in office, are hereby created a body-politic and corporate; and, under the name and style of the "Trustees of Barlow City," may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of this Commonwealth; and hereafter the said trustees shall be elected at the time and in the manner prescribed by the general law.

Name and style.

Corporate powers.

§ 3. The trustees shall have the power to lay out and extend said town in suitable lots, streets, and alleys, not

containing, however, more than one hundred and sixty acres therein in the whole; and they shall cause a plat of the town to be made out, and to be, by order of the Ballard county court, recorded in the order-book of said court, in which plat the size and numbers of the lots, and the names, width, and length of the streets and alleys, shall appear.

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§ 4. The trustees shall have power to grant coffee-house license, and to suppress any tippling-house; but before any person shall be authorized to sell under such license, he or she shall pay the tax required by law, and such other tax to the trustees, for the use of said town, as they, by ordinance, may prescribe, and take the oath, and execute bond in the county court, as required by the general law.

§ 5. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 453.

AN ACT to amend the charter of the city of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the city of Henderson be so amended that hereafter the compensation or commission for collecting all taxes and assessments shall be not less than three nor more than six per cent. on the amount collected and accounted for; and the common council shall prescribe or fix the rate of compensation or commission by ordinance.

§ 2. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 454.

AN ACT for the benefit of the Tuckyhoe Ridge Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter James Howard, William Thoms, S. L. Sroufe, Jacob Hess, Hamilton Gillaspie, Daniel Foley, John Lunsford, Jesse Holton, Charles Osborne, Simeon W. Osborne, Simeon Walton, W. Scott Osborne, Benjamin L. Bacon, William L. Holton, William C. Holton, Elijah Loyd, and John Stevens, shall hereafter work out their road tax upon the Tuckyhoe Ridge Turnpike Road, in Mason county, to assist in keeping it in repair, under the

1872. superintendence of the president and directors of said company.

§ 2. It shall be the duty of the president to give at least three days' notice to each of said persons owing tax or labor on said road of their intention to work the same; and upon the failure of such persons so notified to attend and work out their road tax, the president of said road may sue for and recover the same in any court having jurisdiction of the amount, and shall appropriate the same so collected to repairing said turnpike road; and said persons shall be released from all other road tax and from working on any road or roads.

§ 3. This act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 455.

AN ACT to amend an act, entitled "An act further to amend the acts in relation to Elizabethtown, and to extend its bounds," approved March 11, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of said act, and the act to which the same is an amendment, as fixes the boundary of the town of Elizabethtown, be, and the same is hereby, repealed.

§ 2. That the corporate limits of said town shall be as follows: Beginning on the west bank of Valley creek, east of the court-house, at a point which shall be one quarter of a mile from and within the present northeast boundary of said town, in a direction at a right angle therewith; thence with a line parallel to said northeast boundary, and one quarter of a mile therefrom, to a point one quarter of a mile from and within the present northwest boundary of said town; thence with a line parallel to said northwest boundary of said town, to a point one quarter of a mile from and within the present southwest boundary of said town; thence with a line parallel to said southwest boundary of said town to the south side of the Louisville and Nashville Railroad; thence with the south side of said road to a point where a straight line therefrom to the south corner of the cemetery will include the round-house of the Elizabethtown and Paducah Railroad; thence by said line to the south corner of the cemetery; thence by a straight line to the south corner of Zerelda Mayfield's lot; thence with the northwest side of Kennedy avenue to the west bank of the East Fork of Valley creek; thence with the west bank of said creek, and the west bank of Valley creek, to the beginning: *Provided*, That any rights in, or liabilities to,

the Elizabethtown and Paducah Railroad Company, of property-holders between the boundary as it now stands, and as changed by this amendment, which may now exist, are to be in nowise affected or impaired by this amendment.

§ 3. This act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 456.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Elizabethtown."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of said act as provides for the election of an assessor by the qualified voters of Elizabethtown, be, and the same is hereby, repealed.

§ 2. This act to be in force from its passage.

Approved March 6, 1872.

CHAPTER 457.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section three (3), article nine (9), of an act, entitled "An act to amend and reduce into one the several acts in reference to the town of Princeton," approved February 28th, 1870, as prohibits the opening, laying out, or establishing of any street, alley, or highway, beyond the corporate limits of said town, as such limits existed at the time of the passage of said act, and within the boundary as extended by same, without the consent of the owner or owners of the land upon which such street, alley, or highway is to be laid out or opened, unless the same be laid off in lots of less than ten acres, be, and the same is hereby, repealed; and hereafter the board of trustees of said town shall have the same power to lay out, open, establish, extend, alter, widen, contract, straighten, or discontinue streets, alleys, highways, or public grounds, and to institute, maintain, and prosecute proceedings for same, within such extended boundary, as they have within other portions of said town: *Provided*, That upon the filing of a petition by said board of trustees seeking the laying out, opening, establishing, extending, altering, widening, or straightening of any street, alley, highway, or pub-

1872. lic ground, the owner or owners, or any part owner of any ground over or upon which it is proposed to open, extend, alter, establish, widen, or straighten any street, alley, highway, or public ground, may file an answer controverting the right, propriety, or necessity of the opening, laying out, establishing, extending, altering, widening, or straightening of such street, alley, highway, or public ground; and the trial of such issue may be submitted to the court, or either party may demand a jury; and unless, upon the trial of such issue, the judgment should be in favor of the right, propriety, and necessity of the opening, extending, establishing, altering, widening, or straightening of such street, alley, highway, or public ground, no writ of *ad quod damnum* shall issue; but otherwise such writ shall issue, and other proceedings be had, as provided in article eight (8) of said act. A new trial may be granted for cause, or an appeal prosecuted to Caldwell circuit court or court of common pleas, thence to Court of Appeals, as in other cases; and during pendency of such appeal other proceedings shall be stayed.

§ 2. This act shall take effect from its passage.

Approved March 6, 1872.

CHAPTER 458.

AN ACT amending the charter of the Louisville and Shepherdsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville and Shepherdsville Turnpike Road Company is hereby authorized to subscribe to the capital stock of any turnpike or gravel road that may intersect the said Louisville and Shepherdsville Turnpike Road.

§ 2. That said turnpike road company are hereby authorized to charge and collect the same rates of toll that the Valley Turnpike and Gravel Road Company are authorized to collect.

§ 3. That the stockholders of said turnpike road company are hereby authorized to vote by proxy at all elections for officers of said company, or upon any question that may be submitted to a vote of said stockholders.

§ 4. This act shall be in force from its passage.

Approved March 6, 1872.

CHAPTER 450.

1872.

AN ACT to amend an act prohibiting the sale of intoxicating drinks in Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, by an act approved March the 31st, 1870, the question of repealing all license laws, and prohibiting the sale of any brandy, whisky, or intoxicating liquors, or a mixture thereof, by wholesale or retail, within the limits or jurisdiction of Rockcastle county, was submitted to the voters of said county for approval or rejection; and whereas, said law was submitted to the voters of said county at the August election, 1870, and a majority having voted for the adoption of said law, it is in full force and virtue, and is the law in that county.

§ 2. That the second section of said act be so amended as to allow any person to sell spirituous liquors in small quantities for medical purposes; but before they shall be thus privileged to sell, they must receive the certificate of a regular practicing recognized physician, which they shall file and keep for protection.

Allowed to sell liquors for medical purposes only on certificate of physician.

§ 3. That before any physician shall be authorized to give a certificate for the purchase of spirituous liquors for medical purposes, he shall file with the clerk of the county court an affidavit, stating that he will not give a certificate to any person to purchase or obtain any brandy, whisky, or intoxicating liquors, or a mixture thereof, unless, in his opinion, the good of their health requires it, which affidavit shall be recorded by the clerk; and should any physician give any certificate without complying with this law, or any person sell without complying with the provisions of this amendment, they shall be subject to all the pains and penalties of the original act.

Physician to take oath not to violate law, and penalty for a violation.

§ 4. The county judge shall have concurrent jurisdiction with the circuit court in enforcing this act; and it shall be his duty, in connection with the county attorney, where they have reasons to believe that the law is being violated, to investigate the matter and enforce the same.

County judge to have jurisdiction.

§ 5. This amendment to be in force from its passage.

Approved March 6, 1872.

CHAPTER 460.

AN ACT to amend an act in relation to the sale of spirituous liquors in Letcher county, approved March 21st, 1870.

WHEREAS, By the provisions of an act of the Kentucky Legislature, approved March 21st, 1870, a poll was opened in the county of Letcher at the August election, in the

1872. year 1870, submitting the question of retailing spirituous liquors in said county to the legal voters of said county; and whereas, a large majority of the voters of said county at said election voted in favor of prohibiting the retailing of spirituous liquors in said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell, by retail, any whisky, brandy, rum, gin, wine, or spirituous liquors of any kind, in the county of Letcher, to any person or persons whatever, in quantities of less than twenty gallons: *Provided, however,* That this act shall not prohibit the sale of patent medicines and brandy peaches.

§ 2. That any person or persons who shall be guilty of a violation of this act shall be indicted by the grand jury of said county; and upon conviction, shall be fined not less than twenty dollars nor more than sixty dollars, or imprisoned in the county jail of said county not less than ten days nor more than sixty days, or both so fined and imprisoned, at the discretion of the jury, for each offense.

§ 3. This act to take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 461.

AN ACT to prohibit the sale of ardent spirits in the first and fifth magisterial districts, of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person to give, loan, sell, or otherwise dispose of any spirituous, vinous, or malt liquors, or any mixture thereof, in the first and fifth magisterial districts, of Todd county, commonly called the Kirkmansville and Trenton districts: *Provided,* This act shall not apply to the sale or giving of such wines for sacramental purposes.

§ 2. That all laws now in force authorizing the trustees of the town of Trenton, or the county judge of Todd county, or any other person or persons whatever, to grant license to hotel-keepers, coffee-house keepers, or to any other person or persons whatever, to sell any of the aforesaid liquors, or any mixture thereof, within the limits of either of the aforesaid districts, are hereby repealed: *Provided,* That this act shall not interfere with the rights of any person now authorized by license to vend any of said liquors who shall have obtained the same before the passage of this act.

§ 3. That any person violating any of the provisions of this act shall be fined fifty dollars for the first offense and

one hundred or more dollars for each succeeding offense, to be recovered on an indictment of the grand jury or upon a warrant before any magistrate of Todd county; and it shall be the duty of the judge of the Todd county court to give this act in charge to the grand jury at each term of said court.

1872.

§ 4. But none of the provisions of this act shall take effect until it is ratified by the voters of said districts; and for this purpose it shall be the duty of the clerk of the Todd county court, upon the application of fifty voters of either of said districts, to cause an election to be held therein, after at least twenty days' notice to the voters thereof. He shall furnish a poll-book to such officers as may be appointed by law to hold said election, provided with two columns, one of which shall be headed "For prohibiting the sale," and the other "Against prohibiting the sale;" and it shall be the duty of the officers of said election to record the names of those voting for the prohibition in one column, and of those voting against it in the other, and to certify the number for and against it, and forward the poll-books to the county clerk's office as in other cases provided by law. On the third day after the election it shall be the duty of the county judge, county clerk, and sheriff, to compare the polls and certify the result of the election, one of which certificates shall be filed with the poll-books and three others posted up at public places in said districts. If the number of those voting for the prohibition is greater than the number of those voting against the prohibition, the provisions of this act shall take effect in said district voting on the fifteenth day after said election; but if the number voting against the prohibition is greater than that of those voting for it, then all the provisions of this act shall be null and void.

§ 5. This act to take effect from its passage.

Approved March 6, 1872.

CHAPTER 462.

AN ACT relating to the sale of ardent spirits in Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the question of granting license to sell ardent spirits in the county of Carter shall be submitted to the qualified voters of said county in the following manner: The county court, by order on its order-book, shall fix some day in the month of June next when said election shall be held, and the sheriff of the county shall post a copy thereof at each voting place in said county at least ten days before said election.

Question of prohibition to be submitted to voters of county.

1872.

County court
to appoint off-
icers of election.

Time and man-
ner of conduct-
ing said elec-
tion.

§ 2. For the purpose of conducting said election the county court shall appoint two fit persons, at each of the voting places in said county, to act as judges of the said election, to be qualified voters in their respective precincts, and one person of like qualifications to act as clerk in each precinct or voting place aforesaid; and the sheriff of the county shall, by himself and deputies, conduct said election, one sheriff at each precinct or voting place aforesaid. The election shall be held between the hours of 7 o'clock, A. M., and 5 o'clock, P. M., at the usual places of voting in said several precincts; a poll-book shall be prepared and headed in one column "License," in another "No license." The question shall be propounded to each voter, "For license or against license;" and those for license shall be set down in the column headed license, and those against license in the other. It also shall be the duty of the clerk and judges of said election to certify the result of said election, and deliver the poll-books to the sheriffs who severally conducted said election, whose duty it shall be to deliver the same to the clerk of the county court within three days after the election; and on the fourth day after said election, the judge of the county court, the county clerk, and the sheriff, or any two of them, and, in case of their absence, the nearest two justices, shall examine said poll-books, and certify under their hands the result of said election, and file the said poll-books and the said certificate in the office of the county clerk.

§ 3. If a majority of those voting in said election shall be against granting license, the county court of Carter shall have no power to grant license to sell ardent spirits in the county of Carter.

Approved March 6, 1872.

CHAPTER 463.

AN ACT to prohibit the sale of intoxicating liquors in and near the town of Spottsville, in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, with or without license, to sell any spirituous, vinous, malt, or other intoxicating liquors, in quantities less than five gallons, within the town of Spottsville, in Henderson county, or within five miles of said town.

§ 2. Any person violating the provisions of the first section of this act shall be fined not less than fifty dollars nor more than two hundred dollars for each offense, and each selling shall constitute a separate offense; the fine to be

recovered before the county judge or any magistrate of Henderson county by proceedings in the name of the Commonwealth of Kentucky. The trial may be had after the service on the defendant notice or warrant, stating the offense, and the time and place of trial; or the judge or magistrate may, in his discretion, issue a warrant of arrest and try the case immediately, reasonable time being given the defendant to procure counsel and have his witnesses in attendance. The fine shall be collected as other fines imposed by magistrates.

1872.

§ 3. This act shall not apply to any person who may have, before the passage of this act, obtained from the county court of Henderson license as tavern-keeper or merchant, until the expiration of such license.

§ 4. Nothing in this act shall prevent the sale of said liquors when prescribed for medicinal purposes, when prescribed by a regular practicing physician.

§ 5. This act to take effect from and after its passage.

Approved March 6, 1872.

CHAPTER 464.

AN ACT to repeal an act, entitled "An act to create a board of commissioners of the sinking fund of Pendleton county, and the amendments thereto."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to create a board of commissioners of the sinking fund of Pendleton county," approved February 15th, 1864, and an act, entitled "An act to amend an act, entitled 'An act to create a board of commissioners of the sinking fund of Pendleton county,'" approved February 9th, 1865, be, and the same are hereby, repealed.

§ 2. That it shall be the duty of the Pendleton county court to appoint two commissioners to make a settlement with the commissioners of the sinking fund of Pendleton county, and the treasurer of said board; and they shall report, in writing, to the said county court, the amount of money, choses in action, evidences of debt, or other property in the hands of said commissioners, the treasurer of said board, or in the hands of other persons for them, belonging to Pendleton county, within sixty days after the passage of this act.

Commissioners shall make settlement with county.

§ 3. The board of commissioners of the sinking fund of Pendleton county, and their treasurer, shall pay over and deliver to the treasurer of Pendleton county, or other person appointed by the said county court to receive the same, all moneys, choses in action, evidences of debt, or other

Shall pay over funds to person appointed by court to receive same.

1872. property in their hands, or either of them, or in the hands of other persons for them, belonging to Pendleton county, within thirty days after they shall settle with the commissioners to be appointed by the said county court.

All moneys to
be paid to
treasurer of
county.

§ 4. All money now in the hands of the sheriff of said county, or in the hands of other persons, collected upon the property of said county, under any levy heretofore made by the said county court for the purposes of paying the railroad debt, and all moneys due under any of said levies, which may hereafter be collected by said sheriff or other person, shall be paid over to the treasurer of Pendleton county as the county levy is required to be paid.

§ 5. The said treasurer of Pendleton county, or other person appointed by the county court to receive said moneys, choses in action, evidences of debt, or other property, shall hold the same subject to the order of the Pendleton county court.

County court
may compel
settlement.

§ 6. The said Pendleton county court shall have all the power and remedies against the board of commissioners of the sinking fund, and the treasurer thereof, to compel them to settle with the commissioners, to be appointed by the Pendleton county court, and to compel them to pay over and deliver to the treasurer of said county all moneys, choses in action, evidences of debt, or other property in their hands belonging to said county, that county courts now have against sheriffs to compel them to settle and pay over the county levy.

§ 7. This act shall be in force from and after its passage.

Approved March 9, 1872.

CHAPTER 466.

AN ACT for the benefit of the Murpheysville Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter E. L. Gault, William R. Browning, A. J. Stites, L. Y. Browning, Cain Hitt, Nelson Collins, J. L. Bland, R. C. Bland, W. H. Murphey, J. W. Adams, Charles Bland, Allen Clarke, Wm. Cole, Patrick Murphey, R. F. Gault, James Cole, J. W. Clarey, Ross P. Gault, George S. Case, John Poe, and N. V. Brooking, shall hereafter work out their road tax upon that portion of the Murpheysville Turnpike Road between Murpheysville and the intersection of it with the Sardis Turnpike Road, to assist in keeping it in repair, under the superintendence of the president and directors thereof.

§ 2. That it shall be the duty of the president to give at least three days' notice to each of said persons owing tax or labor on said road, of their intention to work on the same; and upon the failure of such persons so notified to attend and work out their road tax, the president of said road may sue for and recover the same, in any court having jurisdiction of the amount, and shall appropriate the money so collected to the repairing said turnpike road; and said persons shall be released from all other road tax, and from working on any other road or roads.

1872.

§ 3. The president and directors of said road are hereby authorized to erect and continue a toll-gate on that part of their road from Murpheysville to the Sardis Turnpike Road, at which they may demand and collect the same amount of toll that they are now authorized by law to demand and collect for five miles of travel on said road: *Provided*, That no toll shall ever be claimed or collected for crossing the bridge across the North Fork of Licking river at Murpheysville.

§ 4. This act shall take effect and be in force from its passage.

Approved March 9, 1872.

CHAPTER 468.

AN ACT to incorporate the Catnip Hill Turnpike Road Company, in Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jesse Bryant, John A. Headley, Rufus Bryant, E. J. Young, Oliver Farra, Jacob Troutman, and John Steele, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Catnip Hill Turnpike Company;" and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and to have and use a common seal, and break, alter, or change the same at pleasure.

Corporators' names.

Name and style.

§ 2. That said company is hereby authorized and empowered to construct a turnpike road from the Danville, Lancaster, and Nicholasville Turnpike Road, in Jessamine county, at or near its junction with the Walls' road, to the Lexington, Harrodsburg, and Perryville Turnpike Road, at such point as the company may deem proper; and in order to secure the funds necessary to construct the same, shall have power to raise a sum by issue and sale of the

May construct road.

1872.

Capital stock.

Books of subscription to be opened.

capital stock, not exceeding fifteen thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That the books for the subscription of stock shall be opened in the town of Nicholasville, and at such other places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby made commissioners for the purpose of obtaining subscriptions to the capital stock of said company; and they shall provide a book or books, which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: "We, whose names are hereto subscribed, do severally bind ourselves to pay, respectively, to the president and directors of the Catnip Hill Turnpike Company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company;" and when the president and directors shall be chosen as hereinafter provided, they shall have full control of said books, and may cause the same to be opened, from time to time, until the entire amount of stock herein authorized is subscribed.

Election of directors and their term of office.

§ 4. That as soon as a majority of said commissioners shall be of the opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders, and hold an election for president and five directors, who shall hold their office for one year, and until their successors are chosen: *Provided*, That should a vacancy occur, the remaining directors shall fill the same by appointment; and should the offices of all the directors become vacant, any three stockholders may call a meeting to elect their successors. The directors shall have power to appoint a secretary and treasurer, and such other officers and agents as may be deemed necessary; and the treasurer, before he enters on the discharge of his duties, shall execute a bond, with security to said company, for the faithful performance of the duties of his office.

Directors to appoint officers

Corporate powers.

§ 5. That said corporation shall have power to acquire, hold, or sell real or personal estate, as the same may be deemed necessary in the construction of said road, and to do all other acts and things necessary in the exercise of the power herein expressly conferred.

Dimensions of road.

§ 6. That the entire width of said road shall not exceed forty feet, and the macadamized part thereof shall not exceed twenty feet; and when the same shall be completed, the directors shall call upon the two justices of the peace residing nearest thereto, and not interested therein, to examine it; and if they shall, by a written statement, to be filed with the county court of the county in which said road or a greater part thereof is situated, certify that the same

is done in a good and substantial manner, then the said company may erect a toll-gate on said road, and may charge and collect tolls from persons traveling on or using the same, as provided by law.

1872.

§ 7. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be parts hereof.

§ 8. That this act shall be in force from and after its passage.

Approved March 8, 1872.

CHAPTER 460.

AN ACT allowing David Pryse, Z. T. Martin, and James M. Beatty, to construct wharves at their respective landings at Beattyville.

It appearing to the General Assembly of the Commonwealth of Kentucky that David Pryse is the owner of the lots in the town of Beattyville, in Lee county, between the Upper and Lower Stufflebean creeks; and that J. M. Beatty and Z. T. Martin are the owners of the lots in said town adjacent to each other, and lying below the lot of Decatur Beatty, and below the mouth of the Lower Stufflebean creek, all of said lots fronting on the Kentucky river, and extending to low-water mark of said river. Said lots of David Pryse are known as the J. C. Gayle lots; and said lots of J. M. Beatty and Z. T. Martin as the James F. Blount and Williams lots; and that said Pryse, Martin, and Beatty are desirous to build a wharf at each of their respective lots for the landing of vessels, &c.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said David Pryse, J. M. Beatty, and Z. T. Martin, and those they may associate with them, their lessees or vendees, shall, whenever they make, or cause to be made, a good and easy grade for carts, wagons, and other vehicles, and good and substantial fastenings for crafts in front of their said lots, they shall have authority, and are hereby vested with full power, they or themselves or associates, lessees, or vendees, or either of them, at his respective wharf, to charge, take, and receive and collect, in the manner hereinafter set forth and directed, from all steamboats of every kind, flat-boats, or any other vessels or rafts, the following fees, to-wit: the sum of two dollars and fifty cents for any craft for every twenty-four hours it shall lie at said wharves, or in that proportion for the time said craft shall remain at said wharves, or such sum, not to exceed the amount aforesaid, as may be agreed upon

1872. between the owners or lessees of said wharves and the owner or owners of any craft. Said Pryse, Beatty, and Martin shall post, at or near the landing of their respective wharves, their rate of charges upon each vessel or craft landing at their said wharves, not to exceed the rates before named. The owners aforesaid, or their lessees or vendees, shall have full power at all times, when the charges herein permitted are not promptly paid on demand, to levy and distrain for any wharfage due the said respective owners, lessees, or associates, and their costs, upon the boat or craft or raft for which wharfage is due and payable, or upon a sufficiency of the tackle, furniture, and appurtenances, or any property of the person or persons from whom such wharfage is due, and advertise and sell the same as in case of an execution of *fi. fa.*, or the parties to whom said wharfage is due may attach any debt or garnishee the same in the hands of others under the same regulations now provided by law.

§ 2. The wharves and lands herein described shall not be subject to be condemned by the board of trustees of said town, or by any authority whatever.

§ 3. This act shall take effect from its passage.

Approved March 8, 1872.

CHAPTER 470.

AN ACT to amend the charter of the Carroll, Owen, Gallatin, and Eagle Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of said company, named in the first section of said act, together with T. J. Jenkins, are hereby continued a corporation and body-politic, and shall hold their offices until the first Monday in May, 1873, and until their successors shall have been duly elected and qualified.

§ 2. This act shall take effect from its passage.

Approved March 8, 1872.

CHAPTER 472.

AN ACT to amend the charter of the Ballardville and Christiansburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Ballardville and Christiansburg Turnpike Road Company be so amended as to

authorize the president to keep the said road in repair; and for that purpose the stockholders in said road, and their hands, shall work on said road, under the direction of the president of said road, under the laws now in force authorizing surveyors of roads, under chapter 289-90 of the Revised Statutes, to keep dirt or county roads in repair; and said stockholders and their hands shall not be required to work on county or dirt roads.

1872.

§ 2. This act to take effect from its passage.

Approved March 8, 1872.

CHAPTER 473.

AN ACT to incorporate the Carrsville Silver and Lead Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. C. Barnett, C. L. Harris, F. C. Cox, James Fleming, Richard Miles, and J. C. Barnett, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, with perpetual succession, by the name and style of the "Carrsville Silver and Lead Mining Company;" and by that name may contract and be contracted with, plead and be impleaded, sue and be sued, in all courts and places in this Commonwealth, as a natural person may; and may have and use a common seal, and break, alter, or change same at pleasure; and said company shall have and may exercise any and all other powers usual and incident to corporations in this State.

Corporators' names.

Name and style.

§ 2. The property, business, and affairs of said company shall be vested in, and managed and controlled by, a board of six directors, to be chosen by the stockholders therein, as the by-laws of said company may prescribe; and the said board of directors are hereby authorized and fully empowered to make such by-laws, rules and regulations, for the management, government, and control of said company, its property, business, and affairs, as they may deem proper, not inconsistent with the laws of the United States or of this State, and may alter or change same at pleasure. They shall elect one of their number president of said company, and the president and other directors may appoint such other officers or agents of said company as they may deem necessary, and prescribe their qualifications, duties, and powers, and may require and take of them bonds upon such terms, and with such conditions and surety, as they may deem proper, upon which bonds recoveries may be had by said company for breaches of the conditions thereof. No person shall be elected or

Directors and their powers.

1872. serve as a director of said company unless he shall own in his own right stock therein.

Capital stock
—how raised
and disposed of

§ 3. The board of directors of said company may fix the capital stock of same at any amount not exceeding four hundred thousand dollars (\$400,000), which shall be divided into shares of one hundred dollars each; and they may open books for subscription for said stock, at such times and places, and subject to such terms and conditions, as they may consider proper; which stock shall be held to be personal estate, and shall pass as such, and shall be issued, sold, and transferred as the by-laws of said company may direct; and whenever one tenth the amount of the capital stock so fixed by said board shall have been subscribed for, the persons named in the first section of this act shall call a meeting of the stockholders, at some convenient time and place, for the election of a board of directors. The said persons named shall be the first board of directors, and shall hold their office until their successors are elected and qualified, and until then shall have the power to do all things necessary for the organization of said company, including the power to fix the amount of capital stock thereof. The board of directors may cause books for the subscription for capital of said company to be kept open until the whole of same is subscribed for, or they may hold, sell, or dispose of same as they may deem proper: *Provided*, That said board shall not issue or dispose of any such stock, except upon subscription; and the stock of such company shall be personal property, and pass as such.

Corporate
powers.

§ 4. Said company shall have the power to acquire and hold real estate not exceeding in value one hundred and fifty thousand dollars (\$150,000), either by the acquisition of the fee-simple title thereto or by lease, and shall have the power to sell and convey, or lease the same, as they may deem proper; and may take the fee-simple title to real estate, or the lease thereof for a term of years, or the lease of the mining privileges thereon, in payment of subscription for stock, upon such terms, and at such price, as may be agreed upon; and may acquire and hold any and all personal estate, machinery, apparatus, fixtures, and other things necessary for carrying on and prosecuting the business of mining for silver, lead, iron, coal, salt, oil, or any other mineral or substance whatever, and for manufacturing or preparing same for market, and for conveying same to market; and may carry on said business at any place or places in this Commonwealth, and may acquire the right of way or passway over real estate as a natural person may; and when such right of way shall have been acquired, may construct such roads and ways as may be necessary and proper for carrying on said

business. Said company may sell and convey its property, rights, and franchises, or any part thereof, and the purchaser thereof shall take same, subject to all the restrictions prescribed by this act.

1872.

§ 5. That there is hereby conferred upon said company the right to mine and remove any and all mineral or other substance (and so much earth, stone, or other material or thing as may be necessary in such mining), under the portions of the bed of the Ohio river herein mentioned and described; that is, all that portion of such bed lying between the Kentucky shore and low-water line of the Illinois shore, and which lies fronting, and opposite the river front of each of the following described tracts of land and town lot, viz: One tract, containing one hundred acres, lying in Livingston county, Kentucky, adjoining the town of Carrsville, and fronting on said river about one hundred poles, the same now owned by C. L. Harris; also one town lot, known as lot No. 1, in upper town of Carrsville, in said county, same fronting on said river, and now owned by P. C. Barnett and T. T. Barnett; also one tract containing about one hundred and eighty acres, owned by F. C. Cox & Co., and lying in said county, fronting on said river immediately below the mouth of Deer creek; also one tract lying in Crittenden county, Kentucky, fronting on said river a distance of about two miles, immediately above the mouth of Deer creek, and now owned by P. C. Barnett and Richard Miles. The intention of this section is to convey to said company mining privileges, &c., under those portions of the bed of said river lying between the said shores, and between lines drawn at right angles with and across said river from the termini of the lines bounding the river front of each of said tracts of land respectively, and of said town lot: *Provided, however,* The said company shall not have the mining privileges, &c., conveyed by this act, until it shall have first obtained the written consent to use the same of the owner or owners of the land on the Kentucky shore fronting and binding on such portion of the bed of said river under which it is desired to obtain mining privileges, &c.; but when such consent shall have been obtained, the rights conferred by this act shall be complete.

§ 6. The said directors are hereby authorized to borrow, for use of said company, money, upon such terms and conditions as they may deem to the interest of said company. They may also issue the bonds of said company (with or without coupons attached), in such amounts, not exceeding two thirds of the paid up capital stock of said company, and of such denominations as they may deem best, and may sell and dispose of same upon such terms and conditions, and for such consideration, as may, in their

May borrow money and issue bonds, and secure same by mortgage.

1872. judgment, be for the interest of said company. Such bonds shall not bear a greater rate of interest than ten per centum per annum. They may secure the payment, principal and interest, of any money borrowed, or of any bonds issued and sold by mortgage, or by deed of trust, conveying all the property, rights, and franchises of the company, conditioned for the prompt payment of such principal and interest as it may become due; and in such deed of trust may authorize and empower one or more trustees to sell and convey the property, rights, and franchises of said company, in accordance with the provisions of such deed of trust, without suit or decree of foreclosure; and such sale and conveyance by such trustee or trustees shall pass to and vest in the purchaser all the right and title of said company in and to the property, rights, and franchises sold; and the purchaser or purchasers shall take and have all the rights, powers, franchises, and privileges conferred by this charter, and shall take same subject to all the obligations and restrictions thereof.

*Term of office
of directors.*

*Directors to
take oath.*

§ 7. The board of directors shall hold their office for and during the period of twelve months, and until their successors are elected and qualified. A second election of directors shall be held at the expiration of twelve months after the first shall have been held, and an election shall be held at the expiration of each twelve months thereafter. The directors shall, before they enter upon the discharge of the duties of their office, take an oath, before some judicial officer of this Commonwealth, that they will faithfully, and to the best of their skill and judgment, discharge all their duties as such.

§ 8. The said board may open and establish offices at any places in this Commonwealth for the transaction of its business, and at which meetings of the board of directors may be held.

§ 9. The said company shall not exercise any banking or other privileges contrary to the laws of this State or of the United States.

§ 10. This act shall take effect from its passage.

Approved March 8, 1872.

CHAPTER 474.

AN ACT to amend the charter of Big Sandy Navigation and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six (6) of an act, entitled "An act to incorporate the Big Sandy Navigation and Manufacturing Company," approved January 31st, A. D. 1871, be so

amended that the annual election for officers of said company may be held at the city of Covington or town of Catlettsburg, in the State of Kentucky.

1872.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1872.

CHAPTER 475.

AN ACT for the benefit of Wm. Day, of Breathitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Day, of the county of Breathitt, be, and he is hereby, authorized to erect a mill-dam across the North Fork of the Kentucky river, at the mouth of the War Shoal branch, in said Breathitt county, not exceeding two feet in height above low-water mark; *Provided*, Said Day makes a chute in said dam sixteen feet and one half wide, and one hundred feet long, for the navigation of flat-boats in low time of water.

§ 2. This act shall take effect from and after its passage.

Approved March 8, 1872.

CHAPTER 476.

AN ACT to incorporate the South Side Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the South Side Turnpike Road Company, for the purpose of making an artificial road from a point on the Louisville and Frankfort Turnpike Road, commencing on the line between A. Julian and A. B. Read, running thence southwardly along said line until it reaches the Hensley Mill Road; thence along said road, or on the most practicable route, until it reaches the Bridgeport and Farmdale Turnpike Road, at some point between South Benson Church and the Frankfort and Lawrenceburg Turnpike Road; thence along the most practicable route to Connersville, in Shelby county, passing through or near the farm of the late Joseph Terry.

Company established.

§ 2. That the capital stock of said company shall be five thousand dollars, to be divided into shares of fifty dollars each; but may be increased to such an amount as will complete the road.

Capital stock.

1872.

May open books
for subscrip-
tion of stock.

Commissioners'
names.

§ 3. That books for the subscription of stock shall be opened at Bridgeport and Connersville at such time as may be designated by the commissioners hereinafter named, due notice of which shall be given by public advertisement at least ten days previous thereto; and that A. Julian, A. B. Read, Owen Tapp, J. C. Robson, W. Scofield, Jos. Parrent, and Jos. Terry, are hereby constituted and appointed commissioners, any three of whom shall be competent to receive subscriptions for stock in said road.

§ 4. The subscribers of stock shall sign, in a book provided for that purpose, an obligation as follows, viz: We, whose names are hereto affixed, do severally promise to pay to the president and directors of the South Side Turnpike Road Company the sum of fifty dollars for each share of stock annexed to our respective names; as witness our hands and seals this — day of —, 18—. If, from any cause, the said books should not be opened on the day first fixed by the commissioners, or the entire stock shall not be taken, they may designate some other day, and may continue to keep open said books until the whole of the capital stock shall have been taken, or so much thereof as will complete said road.

Meeting of
stockholders &
election of off-
cers.

§ 5. That whenever the sum of one thousand dollars shall have been taken, it shall be the duty of said commissioners to advertise the same by written notices posted up at Bridgeport, calling the stockholders together at such time and place as they may designate in said notice, and who, when called together, shall proceed to elect from their number a president, treasurer, secretary, and five directors, each of whom shall, before entering upon the duties of his office, take an oath before some justice of the peace that he will honestly, faithfully, and justly perform their respective duties, a certificate of which shall be recorded by the secretary in the books of the company. The treasurer shall execute bond, with security, in such penalty and conditions as the president and directors may prescribe, payable to the president, directors, and company of the South Side Turnpike Road Company, which bond shall be preserved by the secretary. The said officers shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That no one shall hold either of said offices unless he is a shareholder in said road; and that in the election of said officers, each shareholder shall have one vote for each share he holds; that the said president, directors, and company shall be a body-corporate, under the name and style of the president, directors, and company of the South Side Turnpike Road Company; shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity having jurisdiction of the subject-matter, and do and per-

form all things that like corporate bodies can do, not inconsistent with the laws of this State or of the United States.

1872.

§ 6 That it shall be the duty of the president and directors of said road company to let out one or more miles of said road, commencing at the northern terminus of said road, whenever one thousand dollars of the capital stock of said company shall have been taken, and the remainder when they may think a sufficient amount of stock, together with the county subscription to said road, has been taken to complete the same; that they may let any portion of said road to be made of gravel or stone as they may deem proper, the graveled or macadamized part of said road not to be less than fourteen feet, nor the part to be condemned or given up by the land-holders along the route of the road for its use less than thirty feet; that they may let out any portion of said road, to be paid for in the stock of the company: *Provided, however,* That it does not exceed the estimate of the engineer, who may be appointed to locate and supervise the construction of said road.

Powers
and duties of
directors.

§ 7. That the president and directors of said road shall be entitled to but one gate on said road; but they shall be entitled to collect toll at such gate at the rate per mile allowed to be collected on the Frankfort and Lawrenceburg Turnpike Road, whether the number of miles made by them be more or less than five miles. It shall be in the power of the president and directors of said road to lessen at any time the rates of toll herein allowed, the chief object of its establishment being the accommodation of those residing along and contiguous thereto; in other words, that it shall be discretionary with the president and directors to charge only such rate of toll (keeping within the limits above prescribed) as may be necessary to keep said road, at all times, in good repair. In no event, however, shall any person going to or from any church be charged with toll on said road.

§ 8. That when any parties owning lands or materials for uses of said road shall be incompetent or unwilling to convey or contract with said president and directors of said company the lands or materials necessary for the use and construction of said road, then and in that event said president and directors are empowered to use the lawful and legal remedies that have been used or allowed by or to any of the turnpike companies in Kentucky in acquiring the same. The same power and authority that is conferred in this section upon the president and directors of said road are also conferred upon the commissioners, so far as the first mile from the beginning is concerned.

May condemn
land, &c.

§ 9. That inasmuch as the construction of the proposed road will render useless a part of the present county

Hands liable to
work on county
road shall as-
sist in opening
this road.

1872.

Penalty for
failure to work
on road.

road, thereby releasing the hands within that road district from working thereon, the president and directors of the proposed road shall have power and authority to call together, at such time as they may deem fit, the hands assigned to work on the roads in said district, for the purpose of opening and clearing out the road from the point of beginning to its connection with the Hensley mill road: *Provided, however,* Such hands shall not be required to work more than six days; and in the event of a failure on the part of the hands to obey the summons, they shall be liable to the penalties now imposed by law on hands for failing or refusing to work on public roads; the fines thus imposed, and collected as such fines are now collected, shall be paid over to the school commissioner of the county, and by him appropriated for the benefit of the school district in which that part of the road referred to above is located.

§ 10. That in the event there should be no objection on the part of any land-holder to the opening and clearing out that part of the road referred to in the preceding section, the commissioners herein named are hereby vested with all the powers and authority conferred in section ninth upon the president and directors of said company, and may at once proceed to have the road opened and cleared out.

County judge
to order hands
to work on this
road.

§ 11. It shall be in the power of the judge of the county court of Franklin county to authorize the president and directors of said company, or the commissioners herein named, to summon all the hands who are subject to work on roads, living in the county of Franklin, on the south side of the Louisville and Frankfort Turnpike, within two miles of the line of the proposed road, for the purpose specified in the ninth section of this act; said hands to be subject to the same penalty as therein prescribed, and to work the same number of days if necessary.

§ 12. This act to take effect and be in force from its passage.

Approved March 8, 1872.

CHAPTER 477.

AN ACT to incorporate the Newport Gas-Light and Fuel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That Thomas G. Gaylord, Robert T. Coverdale, Samuel Cummings, T. Wrightson, and their associates, are hereby declared a body-corporate and politic, they and their successors, to be styled the Newport Gas-Light and

1872.

Corporate
name and style.

Fuel Company; and by such name shall have perpetual succession, may sue and be sued, plead and be impleaded, in any courts of law or equity in this Commonwealth, as may a natural person; they shall keep a common seal, change or alter the same at pleasure; and may ordain and put in force such by-laws, rules and regulations, for the good government of said company, and the efficient management of its affairs, as may be deemed expedient, not inconsistent with the laws of this Commonwealth.

Capital stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; shall be deemed personal property, and shall be transferable only on the books of the company. The president and directors shall have power from time to time to declare dividends out of the net profits of their business, and for the purpose of extending their works and the convenience of their business, by a vote of the board of directors, to increase the capital stock to such amount as may be deemed necessary; they may borrow money and issue bonds therefor, bearing interest at any rate not exceeding ten per centum per annum, and secure the payment thereof by a mortgage on the real and personal estate of the company: *Provided*, The aggregate amount of said bonds shall at no time exceed the actual amount of the capital stock of the company.

Corporate
powers.

§ 3. The business of the company shall be to furnish such persons, parties, or corporate authorities, as they may contract with, by general or special contract, with gas-light; and they may sell and dispose of the residuum of their products, together with such other articles of common fuel, as may be deemed expedient. The said company may purchase and hold, and may sell or exchange the same, and purchase again for said purposes, such lands or real estate as may be necessary or convenient, and may erect such buildings or structures thereon as may be deemed for the interest of the company to construct. With the consent of the city council of the city of Newport, expressed by ordinance of said council, they may lay pipes through any of the streets or alleys of said city; and they may own and hold such other personal estate, and do any other lawful thing, necessary or convenient for the economical management of the affairs of the company.

Object of
corporation.

§ 4. The corporators above named, or any three of them, may open books for subscription to the capital stock, and when twenty-five thousand dollars have been subscribed, call a meeting of the stockholders, and superintend the same, who shall, by vote, elect five directors (one of whom shall be chosen president), to whom shall be intrusted the affairs of the company; they shall appoint all

Election of
directors, and
their powers.

1872. officers and servants, and fix their salaries; said directors shall serve for one year, or until their successors are qualified; the board of directors shall have power to fill all vacancies that may occur in their body by death, resignation, or otherwise.

Penalty for
injury done to
gas fixtures.

§ 5. That if any person or persons shall willfully, by any means whatever, injure or destroy any portion of the gas pipes or fixtures, lamps or lamp-posts, burners, or any part of the works or machinery of said company, or shall willfully open a communication into the street or other gas-pipes, or let on gas after it has been stopped by the company, such person or persons shall be liable to the company for all damages occasioned by such act or acts, and shall furthermore be subject to indictment for misdemeanor, and shall be fined in any sum, at the discretion of the jury, not exceeding one thousand dollars, or be imprisoned in the city jail for a period not exceeding one year; but this section shall not be held to change the law as to arson.

May extend gas
mains to other
places than
Newport.

§ 6. The said company shall have power to extend their pipes outside of said city of Newport, in any direction, and supply other adjacent cities or towns with gas, on such terms as said company and the corporate authorities of said cities or towns may arrange and agree upon.

May condemn
lands for use of
company.

§ 7. The said company shall have all the rights for the condemnation of land for the right of way as is now vested by law in turnpike companies; to condemn the right of way and construct thereon an elevator and tramway from their said works to either the Ohio or Licking rivers, whichever is most convenient, for the purpose of facilitating their operations in obtaining their supplies of coal or other fuel.

§ 8. This act shall take effect from and after its passage.

Approved March 8, 1872.

CHAPTER 478.

AN ACT to incorporate the Hopkinsville Gas and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That E. H. Hopper, R. S. Petree, John B. Knight, S. E. Trice, and R. M. Fairleigh, are hereby created a body-corporate, under the name of the Hopkinsville Gas and Mining Company; and as such shall have perpetual succession, and under that name may contract and be contracted with, sue and be sued; and may have a common seal, which they may change at will.

Capital stock.

§ 2. The capital stock of said company shall be one hundred thousand dollars, but may be increased to three

hundred thousand dollars, when, in the opinion of the board of directors, the business of the company shall require it, and shall be divided into shares of one hundred dollars each, and shall be personal estate.

1872.

§ 3. The persons named shall act as a board of directors until their successors shall have been chosen as hereinafter provided; it shall be the duty of said board to open books for subscription for stock; and when the sum of ten thousand dollars shall have been subscribed, to call a meeting of the stockholders at such time and place, in the city of Hopkinsville, as they may designate, who may proceed to elect five directors, who shall control and transact the business of said company. Said directors may select one of their number as president. Each director shall be the owner of at least one share of stock in said company; and each stockholder, at all elections, shall be entitled to one vote for every share of stock he may own in the company. Said board of directors shall hold their offices for twelve months from the time of their election, and until their successors shall have been chosen.

Election of directors & their powers.

§ 4. The board of directors may prescribe such rules and regulations, not inconsistent with the laws of Kentucky, as they may deem necessary for the transaction of the business of the company; may appoint such officers and agents as they may deem necessary, and remove the same at pleasure.

May make by-laws, &c.

§ 5. Said company may purchase and hold such real estate and other property as may be deemed necessary for their business, not exceeding five thousand acres of land; may sell, mortgage, or convey the same, or any part thereof; may dig and mine coal and other minerals, sell and dispose of the same in such a manner as they may deem proper; may build and own railroad tracks to their mines; procure rights of way in the same manner they are usually procured for railroad purposes, and do all other things necessary and proper for carrying on the business of said company; may also purchase and hold, in the city of Hopkinsville, such lots of ground as may be necessary for the erection of houses, machinery, and other things that may be required by them, in order to supply said city with gas-lights; may contract with said city to lay down pipes through the streets and alleys thereof; and shall have all the rights and privileges necessary to furnish gas-lights to said city and the citizens thereof; and shall have all the powers, rights, and privileges granted by the charter of the Bowling Green Gas Company.

Corporate powers.

§ 6. The board of directors are authorized to borrow money for the use of said company, upon such terms and conditions as they may think proper, and may issue the bonds of the company in such amounts, not exceeding one

May borrow money on bonds.

1872. half its capital stock, and sell and dispose of the same, upon such terms and conditions, and for such considerations, as they may consider proper; and they may secure the payment of the principal and interest for any money borrowed, or for any bonds issued and sold, by deed of trust upon the property, rights, and franchises of the company, conditioned for the prompt and punctual payment of the same as it may become due; and in such deed of trust authorize and empower one or more trustees to sell and convey the property in accordance with the provisions of the conveyance, without suit and decree of foreclosure; and a sale and conveyance thus made shall pass and vest all right, title, and interest said company may have to the property sold; and should the property and franchises of said company be sold under such deed of trust, the purchaser or purchasers shall be entitled to all the rights, powers, and privileges conferred by this charter, and subject to all the obligations and restrictions of the same.

§ 7. This act shall take effect and be in force from its passage.

Approved March 8, 1872.

CHAPTER 479.

AN ACT to incorporate the Smithfield and Pendleton Turnpike or Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company established. § 1. That a company is hereby formed for the purpose of building a turnpike or gravel road in Henry county, leading from Smithfield to the New Castle and Lagrange dirt road, to intersect the same at or near the crossing of said road on Little Kentucky [river], to be selected by the president and directors hereinafter provided for.

Capital stock. § 2. The capital stock of said company shall be ten thousand dollars, to be increased or diminished at the pleasure of the board, to be divided into shares of fifty dollars each.

Commissioners' names and powers. § 3. That books of subscription shall be opened by C. I. Dejarnett, William F. Calfus, Alonzo Spergin, J. S. Perry, Samuel Whitely, James W. Spergin, and E. G. Berry, or any two of them, who are hereby appointed commissioners for that purpose, at such times and places as they may deem proper. They shall insert in a book or books an obligation as follows: "We, whose names are hereunto subscribed, severally promise to pay to the president and directors of the Smithfield and Pendleton Turnpike or Gravel Road Company the sum of fifty dollars for each and every share of stock set opposite to our names, in

such manner and at such times as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this — day of ——— 1872.”

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§ 4. When a sufficient amount shall be subscribed to the capital stock, with the thousand dollars given by the county to turnpike or gravel roads to complete one mile of said road, it shall be the duty of the commissioners named, or any two of them, to give notice thereof by posting written notices at the town of Smithfield, at two public places, giving ten days' notice, calling a meeting of the stockholders at such time and place as they may think proper, for the purpose of electing a president and three directors; any two of said commissioners may hold the election; one vote shall be allowed for each share of stock, and may be voted by proxy or ballot; the one receiving the largest number of votes shall be president of said board; and the president and directors chosen shall remain in office one year, and until their successors are elected and qualified; and before the first president and directors chosen shall enter upon the duties of their office, they shall take an oath before some justice of the peace to faithfully, and to the best of their ability, perform the duties required in the act of incorporation.

Meeting of stockholders a election of officers.

§ 5. Each election shall be fixed after organization by the president and a majority of directors at such place as they may deem best, after having given notice as required by this act; and should the president and directors fail to call such election for three months after the official year has ended, then any three stockholders may call such election in accordance with the powers herein granted.

Directors to provide for annual election.

§ 6. So soon as said company is organized by the election of the officers, the president and directors shall be a body-politic and corporate, in fact and law, by the name and style of the Smithfield and Pendleton Turnpike and Gravel Road Company, with the privileges and franchises of a corporation; shall be capable of holding their capital stock, and the profits and increase thereof, and holding by gift, purchase, or otherwise, all things necessary or proper for the prosecution of their work; they shall have the power to contract and to be contracted with, sue and be sued, in any court of law or equity, and generally to do all and every thing necessary and lawful for a corporation to effect the object for which said corporation was created. Said corporation shall fix and regulate the grade of said road, and its covering with stone or gravel; may designate the place for toll-gate or gates, and if to the interest of the road, may locate one in the town of Smithfield, having first obtained the consent of the authorities of said town; may charge tolls not to exceed those prescribed by general

Corporate name and style and powers.

1872.

laws on all completed roads; said road shall not be less in width than required by the turnpike law of Henry county; and when one mile of said road is completed, the president, by order of the directors, shall draw one thousand dollars from the turnpike fund of said county, and shall draw in the same ratio for each mile, and when the road is completed, for any fraction, in the same ratio.

May condemn
right of way,
&c.

§ 7. It shall be lawful for the officers and employees of the company, with their tolls and appliances, to enter upon the lands over and contiguous to which said road may pass, for the purpose of procuring timber, stone, or gravel, for said road, having first given three days' notice to the owner or occupant thereof; they shall have the right to take and receive the right of way over and through the land where said road shall be located, and the release of timber, stone, or gravel; and if they cannot agree with the owner or owners, then the president shall apply to the county court of Henry county for writ of *ad quod damnum*, to assess the damages for the right of way, or for timber, stone, or gravel; and upon the payment or tender of damages assessed, it shall be lawful for the company to open said road, and enter upon said land and take the timber, stone, or gravel, or other material necessary to do the work pertaining thereto, for one mile on either side of the location of said road.

Commissioners
may receive
subscriptions
payable in
work.

Directors to
appoint officers

§ 8. The commissioners and board of directors may receive subscriptions, to be paid in work on said road, subject to such regulations as the board of directors may deem proper; the president, by order of the directors, shall give notice as they deem proper of the amount of call on each share of stock, and the time and place of its payment. The president and directors may appoint annually such officers as they may require, and fix and pay compensation. After the organization of the company, the stockholders and their hands shall work on the said road, to keep the same in repairs, under the same laws and regulations now in force for keeping in repair dirt or county roads. The president shall have the same powers over this road as conferred by general laws on surveyors or overseers of dirt roads in this Commonwealth; and said stockholders and their hands shall be exempt from work on dirt or county roads.

§ 9. This act to take effect from and after its passage.

Approved March 8, 1872.

CHAPTER 480.

1872.

AN ACT to incorporate the Green River Lock and Dam Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Payne, W. S. Vanmeter, John V. Sproule, Larkin J. Proctor, W. C. York, and T. B. McIntire, be, and they are hereby, created a body corporate, under the name and style of the "Green River Lock and Dam Company," with authority to associate such persons with them, as may subscribe stock in said company; and said company, in its corporate name, may sue and be sued; may have a corporate seal, and change the same at pleasure, and transact all the legitimate business of said company.

Corporators' names.

Name and style.

§ 2. The incorporators herein named, or any one or more of them, may open books and take subscription of stock in said company in shares of one hundred dollars each, and each share to be represented by one vote, to be voted by the owner thereof, or by proxy. No books shall be opened for that purpose until thirty days' notice thereof shall first be given in some public newspaper, giving notice of the time and place of opening said books; and if the whole stock required shall not be taken in ten days, the books may remain open until all shall be taken, and may be closed when it may be thought a sufficient amount to do the work shall have been subscribed.

Corporate powers.

§ 3. The capital stock of said company shall be the amount subscribed, and shall not exceed four hundred thousand dollars; and whenever fifty thousand dollars of said stock shall have been subscribed, the company may organize by the election of a president and five directors, who shall hold their office for one year, and shall be elected annually; each officer may continue to hold his office until his successor shall be elected by the company; but no person shall be a member of the company except stockholders.

Capital stock.

§ 4. That upon organization of said company, it may proceed to build one or more locks and dams in Green river, above the head of slack-water, so as to extend slack-water navigation up said river; the navigation thereof to be open to all things, and every person desiring to navigate said river; the locks not to be smaller than those now in use in Green river.

§ 5. Said company building said locks and dams shall have the right to control the same, and shall have all the profits thereof, including the tolls and water-powers, subject to the restrictions of this charter, and to the rights of others to navigate the river, and pass said locks and dams,

Additional corporate powers and rights.

1872.

under such regulations as are prescribed herein, and such as the company may make, not inconsistent with this charter; said locks and dams, and the privileges herein granted, shall be a property vesting in the company for thirty years.

Company may
fix rates of tolls
at locks, &c.

§ 6. Whilst the rights of others to navigate said river shall not be prohibited, nevertheless, in consideration of the building of said locks and dams, the company may charge and collect tolls upon all persons, boats, rafts, and crafts of every description passing through said locks, at rates not exceeding those now allowed by law to be charged on said river, and said tolls may be collected as other tolls are collectable; and for the protection of the works, and the rights of the company, the same rules and regulations allowed by law respecting the Green and Barren river line of navigation, and respecting the locks and dams on said line, shall apply to the locks and dams herein authorized to be constructed.

May purchase
or condemn
real estate for
use of company

§ 7. Said company may purchase and hold such real estate on one or both sides of the river at said locks and dams as may be necessary, not exceeding, say ten acres on each side of said river, and in such shape as they may need it, for the purpose of constructing said locks and dams, abutments, water-powers, aqueducts, houses, machine shops, and factories, necessary, in connection with the use of the water-power aforesaid, and for the purpose of the company in the management of the work and business authorized by this charter; and if necessary, said real estate may be procured under the ordinary form of writ of *ad quod damnum*, as, for example, is provided in the Louisville and Nashville railroad charter.

Object of
corporation.

§ 8. The object of this charter being to increase and extend the facilities of navigation, at the same time to make water-power for the use of the company, and for the commerce and advantage of the public, the said company, to reward them for their work and capital expended, are further authorized to sell or lease said water-power, or to use the same for the purposes of machinery, as they may choose; and whatever machinery they may so employ, shall be held by the company as a corporation as aforesaid, or they may sell or lease the same, as also their said locks and dams, and franchises, as a majority of the company may elect; and any member may sell or otherwise dispose of his stock in said company, which shall pass by assignment.

How and in
what subscrip-
tions to be re-
ceived.

§ 9. Said company may receive subscriptions in money, notes, bonds, securities, or other property, for the purposes of said enterprise, either as donations or otherwise, as may be agreed by them with any party making the subscription, and, if necessary, may issue bonds, borrow money, and

pledge the property of the company, as by mortgage, as security therefor, said bonds payable within thirty years with interest not exceeding ten per cent. per annum, in the form of coupons attached to the bonds, payable semi-annually, at Louisville, Kentucky. The stockholders shall not be liable beyond the amount of stock subscribed by them respectively.

1872.

§ 10. The company shall make by-laws for its government, not inconsistent with this charter or with the laws of the land.

May make by-laws.

§ 11. The company shall commence the work in good faith within one year after a sufficient amount of stock shall have been subscribed to build one lock and dam; and their works in process of completion shall not be taxable for county, town, or State purposes, until the same shall be finished.

Time within which work shall commence.

§ 12. This act to take effect from its passage.

Approved March 8, 1872.

CHAPTER 481.

AN ACT to incorporate the Eagle Creek, Dallasburg, and Bethel Turnpike Road Company.

WHEREAS, The Owen county court undertook to incorporate and charter a turnpike company, under the name of the Eagle Creek, Dallasburg, and Bethel Turnpike Road, the termini of which were Johnson's mill, on Eagle creek, and through Dallasburg to the Bethel Church, on the Dallasburg and Marion road; and whereas, it is ascertained that the distance from Johnson's mill to Bethel is more than five miles, and it is desired to extend said road from Bethel to John L. Garvey's, on the Dallasburg and Marion road; and said company have organized with the following directory: S. H. Riley, sr., president, and J. V. Riley, Josephus Johnson, Bernard Vanderen, and Jesse B. Wheatley, directors, and have constructed about three and one half miles of said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, incorporated, under the name and style of the Eagle Creek, Dallasburg, and Bethel Turnpike Road Company, to construct a turnpike road from Johnson's mill, on Eagle creek, through Dallasburg and by Bethel church, to a point on the Dallasburg and Marion road, at the residence of John L. Garvey's; and said company, by said name and style, shall be a body-politic and corporate, and shall have perpetual succession; and as such shall be entitled to all the privileges, powers, rights, and immunities which are given

Corporate name and style.

Corporate powers.

1872. and granted to the Owenton and Ross' Mill Turnpike Road Company.

Acts heretofore done validated. § 2. That all subscriptions heretofore made to the capital stock of said road, and all grants of the right of way therefor, and material given or granted thereto, and all acts done towards the organization of said company and construction of said road, are hereby legalized and made binding and enforceable at law: *Provided*, The same are not inconsistent with this charter.

Election of officers legalized. § 3. That the election of S. H. Riley, sr., as president, and J. V. Riley, Bernard Vanderen, Jesse B. Wheatley, and Josephus Johnson, directors, is hereby legalized, and they shall hold their office until the second Saturday in April, 1872, or until their successors are elected and qualified; and the regular election of president and directors for said road shall be on the second Saturday in April, 1872, and annually thereafter.

Capital stock. § 4. That the capital stock of said company shall be twelve thousand dollars, divided into shares of fifty dollars each.

Grade. § 5. Said road shall be constructed with a grade of twenty feet wide, and the metal shall be not less than ten feet, with an average depth of nine inches, and the degree of elevation in the grade of said road shall at no point exceed six degrees.

May erect gates and charge tolls. § 6. It shall be lawful, whenever the said company shall have constructed two and one half continuous miles of said road, as herein provided, from Johnson's mill, to erect a toll-gate at any point between Johnson's mill and Dallasburg Church, and charge each way for the distance traveled on said road; and whenever said company shall have completed two miles and a half of continuous road as herein provided, not within two and a half miles of Johnson's mill, it shall be lawful for said company to erect a gate and charge toll on said road: *Provided*, The said gates so erected shall not be nearer each other than two miles and a half.

§ 7. This act to take effect from its passage.

Approved March 8, 1872.

CHAPTER 482.

AN ACT to amend the charter of the town of Owenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees to have streets improved. § 1. The board of trustees of said town shall have power and authority to cause and procure the sidewalks in said town to be graded and curbed, and paved with stone or

1872.

brick, and to apportion the cost and expenses among the owners of lots fronting or bounding thereon; and a lien is hereby given on said lots to secure the payment of said costs and expenses, to attach from the time the work is ordered to be put under contract, provided the owners do not have the work done in the manner and within the time prescribed. The board of trustees of said town shall have the like power to cause and procure the streets and alleys now established, or hereafter to be established, within said town, to be filled, leveled, and graded for the purpose of carrying off the water, or preparatory to paving, at the cost and expenses of the owners of the lots fronting or bounding thereon, and a like lien is hereby given and allowed on said lots and parts of lots, to secure the payment of said costs and expenses of paving, filling, leveling, and grading, accruing under the provisions of this section; shall be apportioned among the owners of lots fronting or bounding thereon, and shall be listed by the board of trustees, and collected by the town marshal, or any special collector, in like manner as other taxes are collectable under the charter of said town; the said marshal or special collector having power to sell and convey said lots or parts of lots for the same, in the same manner as he now may sell real estate for taxes, as provided by the charter of said town.

Cost of improvement to be charged against lots.

§ 2. Whenever, at any time, the sidewalks of said town shall be out of repair, the board of trustees shall have power to order and direct the same to be repaired at the expense of owners of lots opposite the places where the repairs shall be necessary, and the same lien shall attach. The costs and expenses thereof shall be collected in like manner as is provided in the foregoing section.

May order repairs made.

§ 3. The board of trustees of said town shall have power and authority to cause all streets and alleys within the limits of said town to be opened, at their discretion, at the cost and expenses of the persons having them closed, provided the same are not opened by the persons having them closed within the time prescribed.

May have streets & alleys opened.

§ 4. So much of the charter of the town of Owenton, or any other act in regard to the streets and alleys of said town, as comes within the purview of this act, is hereby repealed.

§ 5. This act to take effect from and after its passage.

Approved March 8, 1872.

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CHAPTER 484.

AN ACT to amend the charter of the Paducah and Illinois Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of an act, entitled "An act to incorporate the Paducah and Illinois Bridge Company," approved March 5, 1868, be, and the same is hereby, amended by striking out the fourth word, to-wit: "hundred," in said section.

§ 2. That the organization of said company heretofore made, and the election of officers and proceedings thereunder, be, and the same are hereby, legalized.

§ 3. This act shall take effect from its passage.

Approved March 8, 1872.

CHAPTER 485.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Jefferson Southern Pond Draining Company,'" approved March 9, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Election
of officers—
when and how
held, and term
of office.

§ 1. That it shall be the duty of the present board of directors of the Jefferson Southern Pond Draining Company, and of each successive board, to appoint a secretary and two judges of elections; and to call a meeting of the land-owners and proprietors of land within the boundary of said corporation, for the purpose of electing a new board of directors on the first Saturday in May, 1872; and at the end of each and every four years thereafter a new board of directors of said corporation shall be elected by the said land-owners and proprietors of land, each being entitled to one vote for each acre of land owned by him or her; and at each election the seven members of said corporation receiving the highest number of votes cast shall be the directors, and shall hold their office until their successors are elected and qualified, with power to fill all vacancies occurring therein.

May levy tax
to pay for im-
provement of
lands.

§ 2. That the board of directors of said corporation shall have the power, and are hereby vested with the right, to assess, levy, and collect an annual tax per year of not more than fifty cents nor less than ten cents per acre, to be rated and charged upon the lands within the boundary of said corporation in proportion to the benefits conferred and to result, the said tax to be used to effect the drainage of the ponds and lands within said boundary; but said tax shall be assessed, levied, and collected

for only the three years from and after the passage of this act; and the said corporation shall have a lien upon the lands assessed for the payment of the tax; and said board shall have the right to borrow, at the rate of ten per centum interest per annum, not exceeding the sum allowed to be borrowed by section two of the act whereof this is an amendment, and to give a lien therefor as provided in said section; and said board shall have the right at all times to correct the assessment for any year, and to assess for the respective year any and all lands within said boundary that may have been heretofore, or that may be hereafter, omitted, so that all shall contribute the annual tax as herein and heretofore provided.

§ 3. This act shall take effect from and after its passage.

Approved March 8, 1872.

CHAPTER 486.

AN ACT to incorporate the Mayasville, Flemingsburg, Coal and Iron Region Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established a body-politic and corporate, under the name and style of the "Mayasville, Flemingsburg, Coal and Iron Region Railway Company;" and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person. Said company may also have and use a common seal, and may alter and change the same at will; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

Name and
style.

§ 2. That Abner Hord, John M. Duke, James Hall, John Shackelford, Richard Dawson, James Barber, Charles B. Pearce, Andrew M. January, and Robert Cochran, of the county of Mason; Wm. H. Hendrick, Edwin E. Pearce, Wm. Fant, David Willson, Wm. W. Wells, Wm. S. Botts, E. Logan, Samuel E. Armstrong, James W. Crain, Enoch Shields, Jas. Kidwell, and Johnson B. Phelps, of the county of Fleming; Harry Burnes, John Hargus, Jas. Cory, Jas. Stewart, and John Taber, of the county of Rowan; John Cooper, Oliver H. Burnes, Samuel Turner, John T. Hazlerigg, jr., and Wm. Myher, of the county of Morgan, or such of them as choose to act, are hereby constituted and appointed commissioners to open books and receive sub-

Corporators'
names.

1872. scriptions to the capital stock of said company, at such times and places, and upon such terms and conditions, as they may deem proper.

Capital stock. § 3. The total capital stock of the said company may be any amount (not exceeding ten millions of dollars) necessary for the construction and equipment of said railway; and the same shall be divided into shares of fifty dollars each, and may be subscribed for, purchased, owned, and controlled by individuals in and out of this State, and by counties or cities, and parties in Kentucky and elsewhere.

Meeting of stockholders & election of directors. § 4. Whenever subscriptions of stock to the amount of or value of twenty thousand dollars shall have been made to the capital stock of said company, the commissioners shall give at least ten days' notice thereof in one or more newspapers published in the city of Maysville or Flemingsburg, and assemble the subscribers at some suitable time and place, and such of them as shall have paid five dollars in cash upon each share of stock subscribed by them respectively, shall proceed to elect from their own number seven directors for said company.

Qualification of directors. § 5. That no person shall be elected to the office of president or director for said company who does not own at least five shares of the capital stock thereof.

§ 6. That the board of directors may elect the president of the company from among their number, or from among the other qualified stockholders.

Control of affairs to be vested in directors. § 7. That after the organization of the company by the election of a board of directors and president, as hereinbefore provided, the management and control of the property, business, and affairs of said company shall pass to, and be committed to, said president and directors, and to their successors in office.

Corporate powers. § 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its proper business and affairs, as they may deem proper, not inconsistent with this act, or with the Constitution and laws of the United States and Commonwealth of Kentucky, and alter and amend and repeal the same at will. They may also prescribe therein the number of directors necessary to constitute a quorum for the transaction of business; they may also appoint an executive committee, to consist of the president and three or more directors, and said committee may, when the board is not in session, exercise all the powers and rights vested in the president and directors, except where it has been otherwise provided in the by-laws.

Directors may appoint officers and fix their compensation. § 9. The president and directors of said company may elect or appoint such officers, agents, and employees as they may deem proper and necessary for the constructing

said railway, and for carrying on, managing, and conducting its property, business, and affairs, and remove them at pleasure. They may prescribe the qualifications, powers, and duties of all its officers, agents, and employees, and may require of any or all of them bonds in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof; that said president and directors, or a majority of them, may determine, by contract, the pay of such officers, agents, or servants, and regulate by by-laws the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employees; that they shall have power to erect warehouses, eating-houses, rolling mills, work-shops, or other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred, and classify the same.

1872.

§ 10. That the president and directors of the said railway company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway with double or single track, and line of telegraph, from such point or points in the city of Maysville, or from any point upon the Maysville and Lexington Railway, Northern Division, between said city of Maysville and the depot on said road, near Elizaville, as they may select, through the counties of Mason, Fleming, Rowan, and Morgan.

Additional
corporate powers.

§ 11. That it shall be lawful for the president and directors of said company to keep open the books for subscriptions to the capital stock of said company until the whole of the capital stock is subscribed; and they may receive subscriptions to said capital stock, payable in contracts to build any part or parts of said road, or any bridge or bridges on the same, or to perform any work, or to furnish any materials which may be necessary or desirable for the construction or equipment of said road; that if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors to increase the same as much as may be necessary for [the] construction and equipment of said railway.

Books to be
opened to receive
subscriptions of stock.

§ 12. That it shall be lawful for the president and directors of said company to receive subscriptions to the capital stock of said company, payable in real estate situated in Kentucky, said real estate to be taken at its cash value, to be assessed by three commissioners on oath, of whom two shall be selected by the president and directors of the

1872. company, and one by the person proposing to subscribe; upon their report in writing, describing the lands and assessing its cash value, the company may receive the same at its cash value, if such valuation is accepted by the subscriber, and issue a stock certificate, and may take a deed of conveyance in fee-simple; and the real estate thus acquired may be held, used, enjoyed, and controled or sold or conveyed by said company as by a natural person.

May acquire land, &c. § 13. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire and own, hold, use, possess, enjoy, and control, all such real estate and personal property, goods, chattels, and other things, as may be convenient and desirable for constructing, operating, or equipping said railroad and its branches, and a line of telegraph along the same, or which may be conveyed to it in payment of any stock subscription, or purchased by it in satisfaction of any debt, judgment, or decree, and may grant, bargain, sell, and convey the same as a natural person.

May condemn land, stone, &c. § 14. That upon application by said company to the court of any county into or through which it is proposed to construct said railway, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material required for the site or construction of said road, or whenever the land or material required shall be owned by a person not a resident of said county, or who is a *feme covert* or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report in writing particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The re-

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port shall be docketed in the county court, and stand for trial at any term of said court commencing not less than ten days after service of the summons. If the owner is not a resident of the county the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land or material sought to be condemned for said road, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in estimating damages resulting incidentally to the other land or other property of such owners, shall offset the advantages to such residue to be derived from the building and operating of said road by, through, or near such residue: *Provided*, That land condemned for road-way shall not be more than one hundred feet wide, unless said company shall file with the court, at the time of applying for the appointment of commissioners, the affidavit of some one of its engineers stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 15. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repairing of said road, or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed as hereinbefore prescribed, and payment, or tender of payment, of such valuation; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall not be a bar to actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

§ 16. That whenever the said railway company shall request the county court of any county, through which it is proposed to construct said railway, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court, a majority of the justices of the county concurring therein, so requested, may order an election to be held at the sev-

May use lands without waiting for verdict.

Upon application, county courts to order question of subscription of stock to be submitted to people.

1872.

But one election shall be held.

eral voting places in said county on a day to be fixed by the court, not later than thirty (30) days after the making of such order, and shall appoint judges and other officers necessary to hold said election. That when any county court may order an election in accordance with the provisions of this act, it shall not be competent to order a second election, whether the first election resulted in favor of or against the tax proposed; nor shall an election for such purpose be held in any county when operatives are at work on said railway within the county where said tax is proposed to be voted.

Sheriffs shall notify officers of election.

§ 17. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

Duties of sheriffs of election.

§ 18. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the date of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of the legally qualified voters of said county voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk, on behalf of the county, on the terms specified in the order submitting the question to a vote.

When city council is so requested, it shall also submit same question to people.

§ 19. That whenever the city council of any city into or near to which it is proposed to construct said railway, shall be requested to do so, such city council may submit to a vote of the qualified voters of such city, on a day to be designated by such council, not later than thirty (30) days after the application is made to them by said company, the question of subscribing for and on behalf of such city the amount of stock proposed by said company, on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council to enter the vote on its records, and the mayor of such city shall make the subscription in accordance with the vote.

Said authorities to levy tax to pay subscription.

§ 20. That if any county or city shall subscribe to the capital stock of said railway company, under the provisions of this act, it shall be the duty of the county court of such county, and the mayor and council of such city, to assess an ad valorem tax on the real and personal property of the county or city so concurring, by a vote of all the legal qualified voters of said county or city, not exceeding in the aggregate three per cent., to be annually assessed in

not less than three or more than five years. Each taxpayer shall receive from the collecting officer a certificate of the amount of tax paid by him at the time of payment, which shall be assignable by indorsement thereon; and any certificate or certificates amounting to fifty dollars, shall entitle the holder to one share of stock in said railway company, and for each share to one vote in the election of a president and directors of said company.

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§ 21. That taxes levied under the authority of this act in any county shall be collected by the sheriff of such county, and taxes levied in any city shall be collected by the officer of such city who is by law the collector of taxes levied for the ordinary purposes of such city; but before any sheriff or other officer shall be authorized to collect any such taxes he shall execute bond, if a sheriff, with such sureties, as may be approved by the county court, and if a city officer, with such surety as may be approved by the council or trustees of such city, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act, which may be placed in his hands for collection.

Sheriff to collect said taxes.

§ 22. The sheriffs and other officers, having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same, under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall be in the county in which such tax is levied; but the owner of any real estate sold may redeem the same, at any time, within five (5) years after such sale, by paying the purchase-money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and eight (8) per cent. per annum thereon.

Powers and duties of sheriff under this act.

§ 23. That sheriffs or other officers selling real estate for taxes levied under this act, shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time

1872. within fifteen (15) years, on paying the purchase money, and six (6) per cent. per annum thereon, and other taxes paid by the purchaser, and six (6) per cent. per annum thereon.

Fees for collecting taxes.

§ 24. That sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

Taxes to be paid to treasurer of company.

§ 25. That the tax levied in any one year, when collected by the sheriff or other officer in whose hands the same is placed for collection, shall be paid over to the treasurer of said railway company within the time prescribed by law for paying over the State revenue; and if any sheriff or other officer whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required under this act, for thirty days after the tax is levied, he shall forfeit his office, and the courts or city council levying such tax may appoint a collector, who shall execute bond, with sureties, and have all the powers and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

Penalty for failure to discharge duty.

§ 26. That if any sheriff or collector, or other officer having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff or collector, or other officer, shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion, on ten (10) days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

Time road is to be exempt from taxation.

§ 27. That said railway company shall be exempt from taxation until five miles is in running order and completed, and that it shall never be taxed at a valuation beyond the rate at which other roads are taxed, nor exceeding its actual value.

Directors may sell or lease said road.

§ 28. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock in said company, sell the said railway, or lease the same; that said company may connect its said road with the railroad of any company in or out of this State, and may lease and operate any railroad connecting with the road or branches of said railway; and it may consolidate with, and make running and operating arrangements with, any other railroad company, upon such terms as may be agreed on by the contracting parties; and it shall be lawful for the franchises and subscriptions of stock granted and subscribed to any other railroad company, to be assigned and transferred to the said railway company, and

May connect with other roads, and lease and operate same.

the like powers and privileges are hereby granted to any railroad company with which it may contract.

1872.

§ 29. That said railway company may receive donations of land to be used for any of the purposes of said road, or to be sold to raise money to build the same, and may receive subscriptions, to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company, or its authorized agents and the subscriber; and may lease or sell and convey any lands so given or subscribed.

May receive donations of land.

§ 30. That the said railway company (the holders of a majority of the stock therein concurring) may agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of any mortgage bonds issued by the said railway company; and may contract with other road companies for the use of their road, or any portion of their road; or may lease to any other road their road, or any portion thereof, or may contract with any other road for using or running their said road, or any portion or section of their said road, in connection with any other road.

May consolidate with other roads.

§ 31. That the said railway company may issue and sell the bonds of said company of the denomination of one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding fifteen millions of dollars, bearing not exceeding ten (10) per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from this date.

May issue bonds to raise said money.

§ 32. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust, conveying said railroad and its property franchises to a trustee or trustees, and from time to time fill vacancies that may occur, for the use and to secure the holders of such bonds, with such covenants and stipulation as may be necessary to effect the purpose and object of its execution.

May mortgage road to secure bonds.

§ 33. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions; upon such foreclosure the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the circuit court of Franklin county, where only such proceedings is authorized to be had.

Foreclosure of mortgage to be for benefit of all bondholders

§ 34. Such foreclosure shall not take place until ninety days after publication of notice of the commencement

Time within which foreclosure may take effect.

1872. of proceedings to that end shall have been made, in one or more newspapers published in the cities of New York and Frankfort; the person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bond-holders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

Sinking Fund
to be created.

§ 35. That to create and secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company, and in order to create such sinking fund said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum, and thereafter annually there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose. That said company may loan and reloan the sums thus set apart at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes, and of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold; but the same shall be canceled.

Bondholders
may exchange
bonds for stock

§ 36. The holders of mortgage bonds issued under authority of this act may demand, and on such demand shall be entitled to receive, evidences of stock in said railway, in lieu of their bonds, at dollar for dollar, at any time within seven years after the completion of said railway.

Bonds to be
invalidated on
account of rate
of interest.

§ 37. The bonds of the company issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided in whole or in part by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

§ 38. Whereas, the county court of Fleming county, by authority of an act of the Legislature, entitled "An act for the benefit of Fleming county," approved February 17, 1871, subscribed ten thousand dollars (\$10,000) to the capital stock of the Maysville and Lexington Railroad Company, Northern Division, to be expended exclusively in the construction of a branch of said road to the town of Flemingsburg from the most convenient point on said road,

1872.

between the city of Maysville and the town of Elizaville, for which amount an assessment has been ordered by said court, and part of said amount collected, but not disbursed, in consequence of said road company having failed to comply with the conditions of subscription. That said county court of Fleming may subscribe to the capital stock of the Maysville, Flemingsburg, and Coal and Iron Region Railway Company \$10,000, to be expended (as provided in said act for the benefit of Fleming county aforesaid) exclusively in the construction of that portion of their road lying between the intersection of their road with the Maysville and Lexington Railroad, Northern Division, and the town of Flemingsburg, and may assess a tax and collect the same in every respect conformably with said act aforesaid, and with every liability of the collector of said tax, and remedy against him and his sureties as therein provided; and said court may make an order rescinding aforesaid subscription to the Maysville and Lexington Railroad, Northern Division, and said subscription shall be in lieu of said aforesaid subscription.

County of
Fleming may
transfer sub-
scription to
said road.

§ 39. And whereas, the city council of the city of Maysville, by an act of the Legislature of this State, entitled "An act to authorize the city of Maysville to subscribe and pay for stock in the Maysville and Lexington Railroad Company, Northern Division," approved February 17, 1871, are authorized to subscribe in the name of said city to the capital stock of the Maysville and Lexington Railroad Company, Northern Division, to be used on the Flemingsburg Branch of said road, a sum equal to the amount which the Flemingsburg precinct, of Fleming county, has subscribed to said company upon the main stem of said road, by taxation on the citizens of said precinct.

§ 40. That the city council of said city of Maysville may subscribe (in lieu of aforesaid subscription to the Maysville and Lexington Railroad Company, Northern Division) to the Maysville, Flemingsburg, and Coal and Iron Region Railway Company, in the name of the said city, to the capital stock of last named company, to be used and expended exclusively on that portion of their road lying between Flemingsburg and its intersection with the main stem of the Maysville and Lexington Railroad, Northern Division, a sum equal to the amount which the Flemingsburg precinct, of Fleming county, subscribed by a tax, which the citizens of said precinct imposed by a vote on them, to the Maysville and Lexington Railroad, Northern Division; that the city council, in order to pay said subscription, may issue bonds of said city as in said act aforesaid provided, and to levy a tax as therein provided for extinguishment and payment of the principal and interest

City of Mays-
ville may trans-
fer subscrip-
tion to said
road.

1872. of said bonds, and to do all matters and things, as in said act is provided, towards and in behalf of this company as fully as by said act they are authorized to do towards and in behalf of the Maysville and Lexington Railroad Company, Northern Division; and are authorized to rescind all orders heretofore made in reference to the subscription authorized to the Maysville and Lexington Railroad, Northern Division; and to make all orders necessary for carrying into effect the subscription authorized by this act as fully as the same are authorized by said act aforesaid towards the Maysville and Lexington Railroad Company, Northern Division.

§ 41. The General Assembly reserves the right, by general laws, to regulate the charges for way and through freight and passengers on this road.

§ 42. This act shall be null and void provided work shall not be commenced thereon within the period of five years.

§ 43. This act to take effect from its passage.

Approved March 9, 1872.

CHAPTER 487.

AN ACT for the benefit of persons who have entered and surveyed vacant lands in the counties of Lawrence, Martin, Floyd, Pike, Perry, Clay, Josh Bell, Johnson, and Letcher, in this Commonwealth.

WHEREAS, Various persons in this Commonwealth have bought county court land warrants for a greater number of acres than two hundred to one person, and caused the same to be located and surveyed in the counties of Lawrence, Floyd, Pike, Perry, Letcher, Clay, Martin, Josh Bell, and Johnson; and whereas, doubts have arisen as to the validity of said surveys, and the Register of the Land Office has refused to issue patents thereon; now, in remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all such surveys now on file in the Register's Office, or which may be filed within sixty days from the passage of this act, for any lands located, entered, and surveyed in the said counties of Lawrence, Martin, Floyd, Pike, Perry, Clay, Letcher, Josh Bell, and Johnson, be, and the same are hereby, validated, legalized, and confirmed; and the said Register of the Land Office is hereby authorized, empowered, and directed to issue patents upon said surveys, in the same manner as other patents are issued for lands east of the Tennessee river: *Provided*, That the savings in the general law in favor of occupants and

claimants shall not be effected by the issual of said patents under the provisions of this act.

1872.

§ 2. This act to be in force from its passage.

Approved March 9, 1872. }
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CHAPTER 488.

AN ACT to prohibit the granting of license to retail spirituous, vinous, or malt liquors in the county of Crittenden.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for the county court or the board of trustees of any incorporated town, in Crittenden county, after the passage of this act, to grant a license to any tavern-keeper, merchant, saloon-keeper, or any one else, to retail spirituous, vinous, or malt liquors in said county of Crittenden, in less quantity than one quart.

Unlawful to
sell liquors less
than one quart.

§ 2. That any person or persons violating the provisions of the first section of this act shall be liable to all the pains and penalties prescribed by existing laws against keeping tippling-houses or retailing ardent spirits; and it shall be the duty of the circuit judge of Crittenden county to give this act in charge to the grand jury of said county.

Penalty for
violation of
this act.

§ 3. That the county court of Crittenden county shall order an election to be held at all of the regular precincts of said county, by the sheriff thereof, on the first Monday of the month of June, 1872; and the judge of said court shall appoint two housekeepers to be judges of election, and a clerk of election, in each of said precincts, and the sheriff shall appoint a sheriff to attend each voting place; and said election shall be held, returns thereof made, and the poll-books examined, in all respects as other elections, and at which all qualified voters shall be entitled to vote.

Question of
prohibition to
be submitted
to voters of
county.

§ 4. This act shall not take effect until it shall have been ratified by a majority of the qualified voters who shall vote at said election; and it shall be the duty of the county court clerk of said county to prepare a poll-book for each precinct for said election, with two columns, one "For the retail of liquor," and the other "Against the retail of liquor;" and the officers of said election shall certify the result of said vote in the same manner as now provided by law for other elections.

Approved March 9, 1872.

1872.

CHAPTER 489.

AN ACT to repeal an act, entitled "An act for the benefit of the common school district No. 8, in Lewis county," approved January 10th, 1872.

WHEREAS, The Legislature of the Commonwealth of Kentucky, at the present session, passed an act, entitled "An act for the benefit of the common school district number eight, in Lewis county," and which act was approved January 10, 1872; and whereas, the Legislature passed said act under a misapprehension of the facts, and the actual facts were not as stated in said act; and whereas, it appears that a common school was regularly taught in said school district under the supervision and control of the trustees duly constituted, elected, and appointed; and whereas, said school was duly reported to Joseph A. Sparks, common school commissioner in and for Lewis county, and said school was reported by said Sparks to the Superintendent of Public Instruction; and whereas, the said Superintendent intended to pay over the money due said school district number eight, in Lewis county, to the said school commissioner, and was prevented from so doing by the act above recited; and whereas, the trustees of said school district number eight, viz: Alfred Harrison, John C. Ingram, and William A. Plummer, by a written contract dated 4th day of September, 1871, made and entered into with J. R. Kenyon and Miss Orinda Ingram, employed them to teach said common school in said school district number eight, in Lewis county, for the term of five months, and for which they, the said trustees, agreed to pay said teachers the sum of \$439 out of the school money due said school district for the school years 1871 and 1872; and whereas, the act above recited authorized W. C. Halbert, of Vanceburg, Lewis county, to draw the one half of the school money due said school district number eight, in Lewis county, for the last and present year; and whereas, said W. C. Halbert, under and by virtue of said act, has drawn the sum of \$90 68 of the school money due said school district number eight, in Lewis county, and thus the common school fund of the State was, to that extent, appropriated to a private school in violation of the Constitution of the State; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act, entitled "An act for the benefit of the common school district number eight, in Lewis county," approved January 10, 1872, be, and the same is hereby, repealed; and said Wm. C. Halbert shall, within twenty days after the approval of this act, pay said sum so received by him, \$90 68, with interest from the day it was received by him, 15th January, 1872, to Joseph A. Sparks,

common school commissioner of Lewis county, to be by him paid to said trustees of said common school district number eight, in Lewis county, to be used and expended by them in paying said teachers of said common school under said contract; and if the same is not so paid by said Halbert within the time aforesaid, said Joseph A. Sparks shall institute suit against him in the Lewis county quarterly or circuit court for the recovery of the same for the uses and purposes aforesaid.

1872.

§ 2. This act shall take effect from and after its passage.

Approved March 12, 1872.

CHAPTER 490.

AN ACT to amend and reduce into one the several acts incorporating the town of Brookville, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Brookville, in Bracken county, Kentucky, shall be bounded as follows, viz: Beginning at a whiteoak tree at the end of Powell street, standing in the line of what was known as Thompson and Woodward's line, twenty poles from the Brookville and Augusta Turnpike Road; thence north twenty-eight and one half degrees west forty-eight poles to a stone near a large spring; thence north sixty-one degrees east seventy-one poles to a stone; thence south forty-one degrees and forty-eight minutes east one hundred and fifty poles to a stake near a grave-yard; thence south sixty-one and one half degrees west one hundred and thirty-three poles to a stone; thence north fifty-five and one half [degrees] west sixty-six and one-half poles to a stake, corner to Linn and Tarleton, on Joel Woodward's line; thence on said line north thirty-five and three-fourths [degrees] east twenty-four poles to a stone near the old tan-yard; thence up a small drain with Woodward's line north twelve degrees east fifteen poles, north twenty-four degrees east twelve poles, north forty-three degrees east twenty-one poles, to the beginning.

Boundaries.

§ 2. That the fiscal, prudential, and municipal concerns of said town shall be vested in four trustees, who shall be elected on the first Saturday in April in each year by the legally qualified voters who have resided therein for six months previous to said election, and who have paid up all taxes and arrears due from them to said town; which said trustees shall hold their offices for the term of one year, and until their successors shall be elected and quali-

Election of trustees.

Term of office.

1872. fied; that said trustees, before they enter upon the duties
 Oath of office. of their office, shall take an oath before some person au-
 authorized by law to administer oaths, that they will, with-
 out favor or affection to any one, discharge the duties of
 trustees to said town during their continuance in office.
 That in case a vacancy shall occur in said board of trus-
 Vacancy. tees, the board, or a majority of those then being trustees,
 Qualification shall have power to fill said vacancy; that no person shall
 of trustees. be a trustee who is not a legally qualified voter under
 this charter in said town, and who has not resided therein
 for twelve months next preceding his election or appoint-
 ment.
- § 3. That the said trustees, and their successors in office,
 Corporate shall be a body politic and corporate, and shall be known
 powers. by the name and style of the "Board of Trustees of the
 town of Brookville;" and by that name shall be capable
 in law of contracting and being contracted with, suing
 and being sued, pleading and being impleaded, of answer-
 ing and being answered, and of defending and being de-
 fended, in all courts and places; and may use either a
 common or private seal, and do all other matters and
 things which a body-politic and corporate, having per-
 petual succession, may rightfully do.
- § 4. That the board of trustees shall have power and
 Clean streets. authority to clear the streets and alleys, sidewalks, and
 passways in said town of all obstructions; to remove
 Abate nuisance and cause to be removed and abated any nuisance in said
 town; and to regulate and prohibit the storage of any
 explosive, combustible, or unwholesome material, which
 they may deem dangerous to the safety of the persons,
 health, or property of the citizens of said town, or which
 may tend to diminish the comfort of the citizens, or the
 security of their property. They shall have exclusive
 control over the streets and alleys of said town, which
 are designated on the plat of the town as recorded in the
 office of the clerk of the Bracken county court; and may
 May open new open new streets and alleys in said town, as the neces-
 streets. sities of the citizens may require, upon the payment to
 the owners, or their representatives, the value of the land
 taken therefor, and all such damage as may be occasioned
 to the owners by opening said streets and alleys, to be
 assessed by a jury of freeholders of the county, not
 Mode of citizens or owners of property in said town, and of no
 condemning relation to the owners of the land taken, who shall be
 streets. governed by the laws in relation to the opening of public
 roads in said county of Bracken, and take the same oath;
 and for this purpose the police judge of said town shall,
 upon the requirement of the board of trustees, issue a
 summons against the owners and occupiers of the prem-
 ises through which it is sought to open a street or alley,

1872.

summoning them to appear, on a day to be fixed in the summons, to show cause why the same should not be opened, at which time the trustees may hear such proof of the necessity for the opening thereof as may be adduced by either party; and should they determine to open the same, the police judge shall issue a writ of *ad quod damnum*, directed to the sheriff of Bracken county, who shall proceed thereunder as he is required to do in the opening of public roads; and upon the return of said writ the trustees shall open said streets or alleys, or not, as may seem best to them, upon the payment of the damages and value of the land found by the jury in their verdict: *Provided*, That either party may have the right of appeal to the circuit court for Bracken county, and from thence to the Court of Appeals. The said trustees shall have power to require the owners of real property to remove and keep free the streets, alleys, and sidewalks in front of their property, from dirt or filth; and may require the said owners to make and keep in repair the sidewalks in front of their property; and in case of their failure to make or repair the same in the time and manner as required, the trustees may cause the same to be done, and recover the value thereof from the owners of the lots, by action in their name before the Bracken quarterly or circuit courts, and shall have a preferred lien upon the said property for the payment thereof. They may cause any chimneys, flues, fireplaces, or stove-pipes, which, in their judgment, may threaten the security of property, to be changed or repaired, so as to remove the cause of danger or insecurity. They may cause shade or ornamental trees to be planted along the streets or public grounds, and protect the same by inflicting fines for their injury, to be collected by proceedings before the police judge. They shall have power to erect public scales, appoint a weigher and fix his fees; and to appoint a measurer of fire-wood, prescribe his duties, and fix his fees. They shall have power to acquire and hold the title to any quantity of ground within said corporate limits of Bracken county for a cemetery, and control, govern, and ornament the same. They shall have power to make all such rules, regulations, and ordinances for the good government, peace, and security of said town, and for the proper and due execution of the powers herein conferred, as may be necessary, and enforce the same by penalties not inconsistent with the Constitution of Kentucky. They shall have power to levy and collect a poll-tax, not exceeding two dollars and fifty cents on each tithable, resident in said town; and also an *ad valorem* tax of not exceeding twenty cents on each one hundred dollars' worth of taxable property within said

Sidewalks.

Trustees may
levy poll-tax &
ad valorem.

1872. town, which is now, or may hereafter be, taxable under the revenue laws of this State.

Special powers. § 5. The trustees shall have power specially, in addition to the other powers granted in this charter—1st. To borrow money on the credit of the town, and pledge the revenues for the payment thereof, and to execute bonds of the town therefor; 2d. To prevent, abate, and remove nuisances at the cost and expense of the owners or occupiers, or of the parties upon whose ground they exist, and to define and declare, by ordinance, what shall be a nuisance within the limits of the town, and punish, by a fine, any person for keeping, causing, erecting, committing, or permitting a nuisance; 3d. To construct and keep in repair sewers, culverts, and bridges, and grade, open, pave, macadamize, and keep in repair the streets and alleys of the town; 4th. To erect market-houses, establish market places, and provide for the government and regulation thereof, and appoint inspectors of the articles sold therein, and to provide for the destruction of stale and unwholesome meats, vegetables, or other provisions, and provide for the enforcement of any rules and regulations made by them in relation thereto by fine, not exceeding ten dollars; 5th. To provide for the prevention of training or breaking of horses, or exhibiting stallions in the public places or streets of the town; 6th. To tax all shows or exhibitions for money within one mile of the town, or within one mile of the corporate limits thereof; 7th. To license, tax, and regulate auctioneers, gift stores, peddlers, and to suppress gaming, drunkenness, gambling-houses, immoral, indecent, licentious, or vulgar shows and exhibitions of all kinds, and to suppress disorderly houses; 8th. To provide for the removal from the town, or the killing, of mischievous or vicious animals, and for punishing, by fine, the owner or keeper of such animal for allowing them to run at large; 9th. To prevent, by fine and confiscation, any person from permitting hogs from running at large within the town; 10th. The board of trustees shall have power to appoint or employ an attorney to prosecute for and on behalf of the trustees all prosecutions in which the board may be interested, and to allow him a reasonable compensation therefor.

May appoint attorney.

Police judge and marshal to be elected.

§ 6. A police judge and town marshal shall be elected by the qualified voters of said town of Brookville, each to hold their offices for the term of two years, and until their successors are elected and qualified. That immediately after the election, the clerk of the trustees shall make out and certify to the Governor of the State the name of the person who has received the highest number of votes for police judge, which shall be sworn to before some judge of a court or justice of the peace, whereupon the Gov-

ernor shall cause a commission to be issued to him as police judge of the town of Brookville for two years, and until his successor is duly qualified.

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§ 7. The police judge shall have jurisdiction within said town, and in the county of Bracken, concurrent with justices of the peace of all causes, civil, criminal, or penal; he shall have the jurisdiction now given by law to two justices of the peace in penal and criminal causes, and shall proceed in the same manner that justices of the peace are required to proceed in such cases. He shall have full power and authority to require bail, and receive the acknowledgment and execution of recognizances of bail, in all cases originating before him in which bail is or may hereafter be authorized or required by the law of the land; and such recognizances shall be taken in such form and be returned in such manner as is or may be prescribed by the several laws authorizing or requiring bail; he shall be a conservator of the peace, and have jurisdiction over misdemeanors, affrays, assaults and batteries, riots, routs, breaches of the peace, unlawful assemblies, and all cases of indecent or immoral behavior or conduct, calculated to disturb the peace and dignity of said town; over all cases of drunkenness, running horses, fast driving, profane swearing, firing guns or pistols, making report by burning powder, matches, crackers, torpedoes, or otherwise, blowing horns, flying kites, crying aloud by day or night, and all other riotous conduct whatever within said town, all of which are hereby declared to be misdemeanors; he shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the powers granted them by law; he shall have the power to order the marshal to summon a jury in any case cognizable before him, when a jury would be required before a circuit court or justice of the peace; and in all cases when the amount of the fine is not or may not be fixed by law, the same shall be ascertained by the verdict of a jury; he shall have power to issue summons for witnesses in cases pending before him; upon their failure to attend, may award compulsory process to compel their attendance; he shall have power without the intervention of a jury to fine and imprison for contempt, provided the fine does not exceed ten dollars, nor the imprisonment twelve hours; it shall be lawful for him to take depositions, and certify the same when they are to be read as evidence in any cause pending in any court in this Commonwealth; he shall have full power and authority to grant injunctions, restraining orders against absent defendants, writs of *ne exeat* and *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain justices of the county court to grant injunctions, writs of *ne*

Powers of
police judge.

1872. *exeat* and *habeas corpus*; he shall have full power to administer oaths in all cases wherein justices of the peace are required and authorized so to do; and he shall have the right, where the town marshal may be interested or otherwise incapacitated from serving, to appoint an officer to serve processes of his court, or do any duty necessary to carry out the power vested in said police judge by law; such person shall, before he enters upon the duties of said office, take an oath and give bond for the faithful performance of his duty, and may be sued thereon by any one aggrieved by his wrongful acts; he shall be removed at any time by the appointing power; he shall be allowed the same fees as allowed the town marshal for like services; the police judge shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as the records of justices of the peace, and shall in all other matters not herein mentioned have concurrent jurisdiction with justices of the peace, and receive the same fees which are now or may hereafter be allowed justices for similar services. He shall, in the months of February, May, August, and November, hold a court on a day to be designated by the board of trustees, for the trial of civil actions, and shall have jurisdiction in such actions concurrent with justices of the peace in Bracken county, and be governed in all things in said court by the laws applicable to justices' courts; all trials before the police judge shall be had and held in the town of Brookville; he shall make out a full report to the board of trustees, at the first meeting of the board after its organization, of all cases for the violation of law brought before him for trial, with the amount of fines imposed, showing those which have been and those which have not been paid, together with the amount of his fees of said cases; he shall issue his process in the name of the Commonwealth as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as police judge of Brookville; the same shall be directed to the marshal, or any constable, or sheriff, or jailer, coroner, or policeman of Bracken county, and shall be executed and returned by the marshal, constable, sheriff, jailer, coroner, or policeman, as the case may be, under the same penalties as other process from justices of the peace: *Provided*, That when any prosecution is instituted and carried on at the instance of the trustees, the warrant shall so state, in which case they shall be entitled to the fine so recovered; and in case of acquittal, the trustees shall be liable for such cost as may be adjudged the defendant; the police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, breach of the peace, unlawful assembly, affray, misdemeanor or for

a breach of any law, by-law, or ordinance of the town of Brookville. 1872.

§ 8. That the said trustees shall have the right to institute suit before the police judge for the enforcement of any of the rights or powers conferred on them by this act, or for the enforcement of any by-law or ordinance made in pursuance thereof, or the collection of any debt, demand, or penalty due them; and in all suits and prosecutions instituted by the board of trustees they may, at their election, either adopt the ordinary mode of declaring and pleading, or may file a petition stating in plain and simple language the cause of their complaint, and the character of the judgment which they require, upon which petition a summons shall issue requiring the defendant or defendants to answer the same, upon which summons bail may be required when the petition states a case in which bail is demandable by law; and upon execution of the summons, the defendant or defendants shall, on the day when the same stands for trial, file a general traverse to the same, and in default thereof, a writ of inquiry shall be had, and damages assessed as in ordinary cases where a writ of inquiry is necessary; and where no writ of inquiry is necessary by the rules of law, a judgment by default may be taken; no objection shall be taken to the form of the petition if it apprise the defendant or defendants with reasonable certainty of the charge which he is called to answer; and under the issue as thus directed to be joined, either party may introduce any testimony which would be proper in any court of record in this State, either legal or equitable; in such proceeding such judgment shall be rendered, and such execution be awarded, as the justice of the case may require; and from all such judgments or final orders either party shall have the right of appeal to the Bracken circuit court, under the same rules and regulations as now provided by law in appeals from the quarterly courts to the circuit court.

Trustees may
institute suits
before police
judge.

§ 9. The first election for police judge and marshal of said town shall be held on the first Saturday in April, 1872, and thereafter on the first Saturday in April every two years; and whoever receives the largest number of votes cast at said election for either of said offices, shall be declared duly elected: *Provided*, That no one shall be allowed to vote at any election for any of the officers of said town who is not qualified as required in the preceding part of this charter, and who does not present to the judges of the election a receipt for all taxes due the town for the year preceding said election.

Election of
police judge &
marshal—when
and how held.

§ 10. The marshal shall be elected as before specified; and before he enters upon the duties of his office he shall take the oath now required by law to be taken by con-

Powers and
duties of mar-
shal.

1872.

stables before the police judge, and shall execute bond, with approved surety, conditioned as the bonds of constables are required by law to be, which bond shall be approved by the board of trustees, and filed with the clerk of the Bracken county court for safe-keeping, indorsed by the police judge as having been accepted and approved by the board of trustees; any person injured by a breach of said bond may, at his cost, prosecute an action thereon. The bond shall not be void on the first or any other recovery; but may be put in suit, and a recovery had thereon by every person injured by the acts or omissions of the marshal. The marshal shall have the same powers now conferred by law on constables in Bracken county. He shall have power to execute all process and precepts issued by justices of the peace, police judges, presiding judges, and clerks of the county and circuit courts in the State of Kentucky, which, by law, could be executed by a constable of Bracken county; and his return thereon shall be received with the same faith and credit, and have the same effect, as if made by a constable in any court of this State; and all bonds taken by him shall be as binding, and have the same effect, as if taken by a constable; and in all things not specially mentioned herein, he shall have the same powers as a constable; and for any failure to perform his duty, shall be subject to the same penalties as constables, to be recovered in the same manner that penalties are recovered against constables; and all general laws now in force, or which may hereafter be passed in reference to constables, shall apply to the said marshal as fully as though he were specially named therein; and all his acts shall receive the same faith and credit, and have the same effect, which they would have received if done by a constable. He shall have full power within the county of Bracken to collect the taxes and dues and demands of said town, in the same manner that sheriffs have to collect the county levy and State revenue, whenever the board of trustees may place the same in his hands for collection; he may levy and perfect executions upon all orders and judgments of the police judge, serve and execute all orders and notices issued by the board, and make due return of all process, precepts, orders, and notices placed in his hands. He shall be entitled to the same fees that sheriffs and constables are allowed by law for similar services. He shall have authority to execute all warrants issued in the name of the Commonwealth for a breach of any of the penal or criminal laws. He shall have power to appoint a deputy marshal, by and with the consent of the board of trustees, whose powers and duties shall be the same as the marshal's, and the marshal shall be responsible on his bond for all acts of such deputy:

Provided, Such deputy shall be a qualified voter in said town under this charter. Should the marshal or deputy marshal remove from the town, or should he be absent therefrom for one month at any time, it shall vacate his said office, and the trustees shall enter an order to that effect, and appoint his successor to fill the unexpired time until the ensuing April election, at which time his successor shall be elected as before directed, to fill out the unexpired time of the marshal, if any there may be.

1872.

§ 11. The trustees shall appoint an assessor, who shall report, under oath, to them a list of all residents and property in said town liable to taxation under the revenue laws of Kentucky. Before he enters upon the duties of his office he shall take an oath duly and impartially to execute the duties of his office. His list shall be taken so as to show the number of inhabitants in the town. He shall be required to administer the same oath to each person assessed for taxation that is required by law to be administered by the assessor for the county, and return his list on or before the first day of May in each year; which list shall be subject to revision and correction by the board of trustees.

Trustees to
appoint assess-
or, and his du-
ties.

§ 12. The trustees shall annually lay and levy the taxes for current year, and direct the time within which the same shall be paid at the first meeting of the board after the assessor returns his list; or if any thing should prevent the assessment and levy from being made at that time, the same may be done at any subsequent meeting of the board.

Trustees may
levy taxes.

§ 13. The trustees shall appoint a clerk and provide for his compensation, who shall keep a record of all the proceedings of the board, and duly record all the ordinances and by-laws passed and adopted by the board of trustees. He shall take an oath faithfully to perform his duties, and a true record make of all the proceeding of the board of trustees, and of all ordinances and by-laws passed by them. Copies made from the records of said board of trustees, attested by the clerk, shall be received as *prima facie* evidence that the matters and things therein set forth have been done.

Trustees to
appoint clerk,
and his duties.

§ 14. The board of trustees shall annually elect a treasurer, who shall take an oath faithfully to discharge the duties of his office; and shall execute bond, with approved surety, conditioned to pay over to the trustees, or their order, all moneys which may come to his hands as treasurer, and such other stipulations as the board of trustees may think proper to require. The treasurer shall receive all moneys, and receipt therefor, which shall be paid to the board of trustees for taxes, dues, and demands of said town. He shall keep a record of all moneys received by

Trustees to
appoint treas-
urer, and his
duties.

1872. him, and pay all claims in the order in which they are allowed by the board of trustees. He shall pay no moneys without receiving a copy of the resolution of board of trustees, attested by the clerk, making the allowance; which resolution he shall file with his settlement. Upon the order of the trustees, he shall, at any time, upon ten days' notice, settle his accounts with the trustees, and pay over any money in his hands as treasurer upon their demand or order. He shall keep his accounts open for the inspection of any citizen of the town, and report, whenever required by the trustees, all moneys received by him, and all the dues that remain unpaid at that time. His compensation shall be fixed by the board of trustees. He shall receive from the clerk the list of taxes to be collected, and deliver the same to the marshal, taking his receipt therefor.

Powers of
trustees in re-
gard to sale of
liquors.

§ 15. That the board of trustees shall have the exclusive right to license all taverns, groceries, retailers, druggists, victualers, confectioners, and houses of general resort, except gambling-houses and houses of ill-fame, and the exclusive right to license all billiard-tables, bowling-alleys, and other places of amusement within the town of Brookville or within two miles thereof; and such license shall only be granted at the discretion of the board of trustees, and shall be granted for no longer time than the term of office of the board of trustees which grants the same, and shall expire on the first day of May in each year, whether the new board have been elected and qualified or not; and any law giving the county court of Bracken county the power to grant tavern-license within the limits of said town, or within two miles thereof, is hereby repealed; and it shall not be lawful for any person to sell spirituous, malt, or vinous liquors, in quantities less than a gallon, within the limits of said town of Brookville, or within two miles thereof, until such person has applied to, and obtained from, the board of trustees of said town a license so to do; nor shall any person within the limits of said town, or within two miles thereof, sell any vinous, spirituous, or malt liquors, in quantities of a quart or over, until such person shall have obtained from the said board of trustees a license so to do; nor shall such license be granted to sell in quantities less than a quart until the person applying for the same shall have paid to the treasurer of said board of trustees the sum of two hundred dollars, and shall have obtained the receipt of the clerk of the county court for the sum of twenty-five dollars, the tax due the State for tavern-license; nor shall it be lawful for any druggist or apothecary to sell spirituous, vinous, or malt liquors within the limits of said town until such druggist or apothecary shall obtain from the board of

1872.

trustees of said town a license so to do; and shall also take an oath, to be administered by the police judge, that he or they will not sell spirituous, vinous, or malt liquors under said license, except for medicinal purposes; nor shall such license be granted until the person applying therefor shall have paid to the treasurer of the town the sum of twenty dollars, and have paid to the State the tax on retail dealers in spirituous liquors. Any person who shall be guilty of an infraction of any of the provisions of this section shall be fined, upon an indictment by the grand jury of Bracken county, the same amount which is now fixed by law for infractions of the laws of this State in regard to taverns, tippling-houses, and venders of ardent spirits by retail; and all fines assessed for a violation thereof shall be paid into the treasury of the town after deducting therefrom the commission now allowed by law to the Commonwealth's attorney in similar cases: *Provided*, That any person may proceed against any violator of any of the provisions of this section by the same process and in like manner that they could be proceeded against before justices of the peace for a violation of the State law, and recover the same penalties, to be enforced in the same manner that fines are assessed and enforced under the general laws of the State against persons violating the license laws.

§ 16. The police judge shall have the right to commit persons to the county jail for infractions of the ordinances and by-laws of the town, whenever imprisonment is the penalty inflicted therein; and the trustees of the town shall allow and pay to the jailer the same fees that are now allowed by the general laws of the State for similar services.

Police judge
may commit to
county jail

§ 17. At each election of trustees for the town, a vote shall be taken whether license shall be granted or not, in accordance with the provisions of section thirteen; and unless a majority of the legally qualified voters of the town shall vote in favor of granting such license, no license shall be granted by any board of trustees then elected during their term of office.

At election for
trustees, vote
to be taken as
to license of
liquor selling.

§ 18. No ordinance or by-law shall be passed, and no license granted, by the trustees of the town, unless a majority of the trustees shall vote therefor.

§ 19. The trustees shall have power to cause the removal of persons infected with small-pox from the limits of the town.

§ 20. All general laws of the State, not inconsistent with the provisions of this act, shall apply to said town; and all acts heretofore passed in regard to said town, inconsistent with this act, are hereby repealed.

1872. § 21. This act shall take effect and be in force from the passage thereof.

Approved March 13, 1872.

CHAPTER 491.

AN ACT to amend the charter of the Carlisle and Jackstown Turnpike Road Company, in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Carlisle and Jackstown Turnpike Road Company, upper route, be, and the same is hereby, so amended as to allow said corporation the right and privilege of extending their road from its southern terminus, on Hinkston, up said river to McCannaughay's mill, a distance of about one fourth of a mile.

§ 2. That the presiding judge of Nicholas county may appropriate and donate the sum of two hundred and fifty dollars, out of any fund in the hands of the former sheriff or sheriffs of Nicholas county not otherwise appropriated, in aid of private donations which may be made to construct and make said additional piece of road.

§ 3. This act shall be in force from its passage.

Approved March 13, 1872.

CHAPTER 492.

AN ACT to authorize T. D. Marcum and M. H. Johns to erect a boom across Wolf creek, in Martin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas D. Marcum and Martin H. Johns be, and they are, authorized to erect and keep a boom across Wolf creek, near its mouth, in Martin county, Kentucky, for the purpose of harboring and securing loose saw-logs; and for each log so secured and harbored they shall be permitted to charge ten cents, which charge shall remain a lien upon such logs so harbored.

§ 2. This act to take effect from its passage.

Approved March 13, 1872.

CHAPTER 493.

1872.

AN ACT to repeal all laws heretofore passed declaring Russell's creek, in Green county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws heretofore passed declaring Russell's creek, in Green county, a navigable stream, be, and they are hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 494.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquors within the Crittenden magisterial district, in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 It shall not be lawful hereafter for the presiding judge of the Grant county court, the trustees of the town of Crittenden, or any other person, to grant a license to any person or persons to sell or vend any spirituous, vinous, or malt liquors within the town of Crittenden, and within the limits of the Crittenden magisterial district, in Grant county: *Provided, however,* That said authorities may grant to any person whom they shall find to be of good moral character, and a bona fide druggist, keeping a drug store, after satisfactory proof, license to sell spirituous and vinous liquors for medicinal purposes only, upon the written prescription of a regular practicing physician for each selling.

Unlawful to sell liquors in town of Crittenden.

Druggists may sell for medicinal purposes.

§ 2. It shall not be lawful for any person to vend, sell, loan, or give, within the boundary named in this act, to any person or persons, any spirituous, vinous, or malt liquors in any quantity, except as provided in the first section of this act.

§ 3. Any person who shall violate the provisions of this act shall, for every separate act, be deemed guilty of keeping a tippling house, and subject to the same penalties pronounced against tippling-house keepers by the laws of this State, and collected as other fines are now collected.

Penalty for violation of this act.

§ 4. This act shall become a law when ratified by a majority of the voters of said magisterial district, who may vote at an election to be held at the regular voting place in said district on the first Saturday in May, 1872; the result of which vote shall be reported to the county court of said county by the judges of the election, and the

Law to be ratified by voters of said town.

1872. judge shall order the same spread upon the minutes of the court.

§ 5. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 405.

AN ACT to amend an act to incorporate the town of Smith's Grove.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That that portion of Warren county included in the following boundary: Beginning at first cattle-guard of the Louisville and Nashville Railroad, west of Uriah Rasdall's store; thence east to a point south of Nathan Allen's and Joel Morehead's corner, so as to include the property of the railroad company; thence with Allen's and Morehead's line north to the street between H. T. Arnold's and Sweeney's property; thence west with said street to the county lane; thence with the county lane south to a black-jack, Uriah Rasdall's corner; thence with Claypool and Rasdall's line south to the beginning, shall be incorporated, and known as the town of Smith's Grove; capable of being contracted with, of suing and being sued, and in that name may sue or be sued.

**When Trustees—
when elected.**

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in one principal officer, to be styled the chairman of the board of trustees and six trustees, who shall be elected on the first Saturday of April in each year, in the manner hereinafter prescribed, and shall hold their offices until their successors have been duly qualified, all of whom shall have resided in said town one year next preceding their election.

**Qualification
of voters.**

§ 3. That on the first Saturday in April in each year, there shall be an election held by two judges appointed by the board of trustees, and a clerk, for a chairman and six trustees. All male persons over twenty-one years of age, who shall have bona fide resided in said town for six months next preceding the time of the election, or shall, at the time, be owners of real estate therein, shall be entitled to vote, naming the persons for whom they vote as chairman and trustees.

**Notice of
election.**

§ 4. Notice shall be given in said town, at two or more public places therein, of the place at which the election is to be held. The judges and clerk of the election shall, on Monday following the election, meet and deposit the poll-book with the clerk of the board, who, in their presence, shall add up the polls, and give the persons receiving the

highest number of votes for chairman and trustees certifies of their election.

1872.

§ 5. All officers of the town elected by the people, or appointed by the board, before entering upon the duties of their office, shall take the oath now prescribed by the Constitution of the State, and to discharge the duties of their office to the best of their ability. The chairman, police judge, and marshal shall be sworn before a justice of the peace; the chairman may administer the oath to other officers of the town.

Officers to qualify before entering on duties of office.

§ 6. All the officers of said town, whether elected by the people or appointed by the board, shall reside and keep their offices within the limits of said town during their continuance in office. Three months' absence from town by the chairman, or either of the trustees, or any officer in said town, shall vacate the office of such absentee by a resolution to that effect adopted by the whole number of remaining trustees; and said board may fill all vacancies occurring by resignation or otherwise, until the first regular election.

Qualification of officers.

§ 7. The chairman, when present, shall preside at the meetings of the board, and give the casting vote when there shall be a tie; he shall call the board to order and convene the same when he may think proper; he shall countersign all orders of the board signed by the clerk; he shall report all improper conduct of the officers appointed by the board to the board in session, who shall have power to remove them by resolution entered upon their journal; he shall have the care and superintendence of the public property, and shall perform such other duties as the board may think proper to impose on him as the chief officer of the town; he shall be required to execute bond to said town in an adequate penalty, conditioned that he will faithfully pay over and account for all moneys that may come to his hands, or be placed to his credit as chairman.

Duties of chairman of board of trustees.

§ 8. The chairman may be compensated for his services out of the funds of the corporation, to be fixed by the board of trustees, exclusive of the chairman. The chairman, by the advice and consent of the majority of the board, may remit any fine imposed by the ordinances of said town. The regular meetings of the board shall be held on the third Saturday in each month. Four trustees shall be capable of doing business when in session.

Compensation of chairman.

Meetings and quorum.

§ 9. The board of trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, and records, and everything belonging to the office, and to deliver the same to his successor in office on application being made therefor; he shall keep a regular journal of the proceedings of the board, and a correct account of the fiscal con-

Clerk—how appointed, and his duties.

1872.

cerns thereof; he shall record all the acts, resolutions, and orders of the board; he shall take all bonds and agreements between the board and other persons; he shall furnish attested copies of all acts, resolutions, and orders passed by the board, when required by persons to do so who are entitled to the same; he shall draw his orders on the treasurer for all sums of money due to persons on claims allowed by the board, or on the bonds of said town, on the application of the holders; and on the return of the assessor's lists to the board, and the assessment of taxes thereon, he shall hand over one of said lists, together with the order fixing the rate of assessment, to the collector, taking his receipt therefor; he shall be required to give bond in an adequate penalty, to be fixed by the board, conditioned for the faithful discharge of the duties of his office.

Board may
open or extend
streets, &c.

§ 10. The board may receive conveyances, or consent in writing, of the proprietors of lots or land within the town, for the purpose of locating, opening, or extending streets; said town may petition the county court of Warren to open and condemn land for streets in the same manner as is now done for opening roads in the county.

May order im-
provement of
streets, &c.

§ 11. The board of trustees shall have full power and authority (two thirds of the whole number of the trustees concurring) to cause all the streets or alleys, or any of them, or any part or portion of them, in said town, now established, or hereafter to be established, to be graded, paved, turnpiked, graveled, or otherwise improved.

§ 12. The board of trustees shall have full power and authority to cause the sidewalks, or any part or portion of them, in said town, to be curbed, graded, or paved with stone or brick; and when so done, to be kept in good repair, and to assess the costs and expenses of such curbing, grading, and paving or repairs, adjacent to any lot or part of lot, against the owner of the lot or part of the lot fronting thereon; and to secure the payment of said costs and expenses, a lien is hereby given on said lots or parts of lots. Said costs and expenses may be distated as taxes with the collector of said town, and by him collected as other taxes, who shall have power to sell and convey said lots and parts of lots, or so much thereof as may be necessary, in the same manner that real estate in said town may be sold for taxes: *Provided*, That infants, *femcs covert*, and persons of unsound mind, shall have five years after their several disabilities are removed to redeem the same.

May supply
town with wa-
ter.

§ 13. The board of trustees shall have power and authority to cause said town to be supplied with water by sinking wells, constructing cisterns, placing pumps there-

in, and keeping the same in repair at the expense of the town.

1872.

§ 14. The board shall have power to organize a fire department for the extinguishment of fires that may happen within said town, to provide engines and other apparatus for that purpose, and to appoint a suitable number of able bodied men as firemen; said firemen to be appointed for any time that the board shall ordain, and be discharged by them at pleasure; and the board shall have power to pass all necessary ordinances to punish any inhabitant of said town for non-attendance or disorderly conduct during the time of a fire.

May organize fire department

§ 15. The board shall have power to pass ordinances regulating the introduction of gunpowder for sale into said town, and the storage of the same therein; and they may enforce compliance with such ordinances by suitable penalties, in addition to the forfeiture of the powder introduced or stored in violation thereof.

May regulate sale and storage of gunpowder.

§ 16. The board shall have the exclusive right to regulate the sale of spirituous liquors within said town; they shall also have the right to tax, and the exclusive right to license, all taverns, houses of private entertainment, grocers, victualers, confectioners, and houses of public resort, except gambling-houses and houses of ill-fame, in said town; but tavern keepers and vendors of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid; and no license shall be granted whereby spirituous liquors or wines may be retailed, except to tavern-keepers, upon the payment of fifty dollars at least.

Further powers of trustees.

§ 17. They shall have power and authority, two thirds of the trustees concurring, to suspend, either indefinitely or for a limited period, any license which they may grant, or which may have been granted, to a tavern-keeper, whenever they shall be satisfied that said tavern-keeper has permitted any unlawful gaming in his house, or has permitted any disorderly or indecent conduct to be practiced or committed in his house, or has permitted any person or persons to tiddle or drink to intoxication therein: *Provided, however,* That no license shall be suspended until the said tavern-keeper shall have at least five days' previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person, whose license shall have thus been suspended by said board, shall afterwards sell by retail any spirituous liquors or wines, he shall be deemed guilty of keeping a tippling-house.

§ 18. The board shall have power to suppress by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame, all retailing of spirituous

1872.

liquors and wines, all riots, breaches of the peace, disorderly or indecent conduct, and disturbances of the peace and tranquility of the town; they shall also have power, whenever the public convenience or safety in their opinion require it, to prohibit hogs or other animals from running at large in the streets, alleys, commons, and other public places in said town, and to require and compel the abatement and removal of all nuisances within the limits of said town, under such regulations as shall be prescribed by ordinance.

Power and
duties of mar-
shal.

§ 19. The marshal may, with the consent of the board, appoint a deputy; he shall, by himself or deputy, attend all sessions of the chairman and trustees, and of the police court, and preserve order under his or their direction; he shall, by himself or deputy, execute all process emanating from the police court; he may be appointed town collector of taxes, and shall be entitled to receive the same fees and commissions that constables are allowed for similar service; he shall execute bond, with sufficient security, in an adequate penalty, before the chairman and trustees, to the Commonwealth of Kentucky, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money that may come to his hands to the persons entitled [thereto], and a lien shall exist on the land of said marshal and his securities, from the time of executing bond; for all sums of money that shall come into his hands; for other services than those provided for above, he shall be entitled to the same fees that are allowed to sheriffs for similar services, and shall have the same power and duty within the town; he and his sureties shall be liable to judgment by motion in the Warren circuit court, in favor of any person or corporation entitled to money, or his deputy, in like manner as sheriffs are liable; he shall collect the fees of the police judge when fee bills therefor are placed in his hands for collection, in like manner as is prescribed by law in relation to fees of clerks of county and circuit courts, and shall receive the same commission for receiving, collecting, and paying over said fees that is allowed to sheriffs for like services, and shall be liable to motion in the police court in case of delinquency, or breach of official duty, in like manner as sheriffs are in the circuit courts.

Board may
levy and collect
taxes.

§ 20. The board shall have the power and authority to assess, levy, and collect taxes on the value of all estate, real, personal, and mixed, and choses in action, held, owned, possessed, used, or employed in said town, or on such classes of the same as they may designate; but such valuation shall be uniform on each description of property assessed, and shall not exceed twenty-five cents on each one hundred dollars of such valuation in any one year;

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but no tax shall be levied or collected on the choses in action or money of any person, except upon the excess of the same over and above the just debts of such person on the day of the annual assessment.

§ 21. The board shall annually appoint one town assessor, and one assistant, if necessary, who shall take in a list of all the taxable inhabitants and owners of property in said town separately, and affix against each the real estate in said town owned by him or her or them, with the value thereof on the tenth day of January in that year in which the list is taken, and also the true and just value of such other estates of each of said inhabitants or owners, whether in goods, stocks, or other property owned, held, possessed, used, or employed by him, her, or them, in said town on said tenth of January, as may be designated for taxation by said board, which list shall be made on oath of the party, or if the party refuse to give in a list, and swear to the same, the list shall be made from the best information the assessor possesses; and said list shall be made to include all males over twenty-one years of age, all taverns, grocers, victualers, confectioners, and houses of public resort (except gambling houses and houses of ill-fame), hacks, drays, carts, wagons, and porters plying in said town for hire, if required by the board; of which list two fair copies, arranged in alphabetical order, shall be completed and returned to said board at the regular meeting in March, whereof notice shall be given, that any of said inhabitants or owners may examine the same; and if any one should feel aggrieved thereby in an excess of valuation or otherwise, application may be made to the board, and on proof being made to their satisfaction, the list may be corrected: *Provided*, The application is made within the time that may be prescribed by them, after which no abatement or change shall be made. The board shall proceed to lay and levy the taxes for the current year from estimates previously submitted to them by the chairman.

Assessor and his duties.

§ 22. The board shall likewise have the power, by ordinance, to provide for the taxing of any store, grocery, &c., that may be opened or commenced at any time subsequent to the day fixed upon for the annual assessment, and also of all itinerant merchants or vendors: *Provided*, That in no case shall the tax levied on such store, grocery, &c., be less than the ratable amount (as compared with the other assessments) in proportion to the time the same may be kept open or continued. They shall also have the right to tax auctioneers in said town, not exceeding three per cent., upon all public or private sales of goods, wares, or merchandise not the produce or manufacture of Kentucky, and to require them to take out license, with such restrictions and requisitions as may be necessary to enforce said tax;

May tax merchants, &c.

1872. but no tax shall be levied upon sales of decedents' estates by executors, administrators, or curators, or by sheriffs, constables, marshals, coroners, or any other public officer as such, or by commissioners appointed or directed by authority of any court.

May tax carts,
wagons, &c.

§ 23. The board shall have the right to tax, license, and regulate all carts, wagons, drays, hacks, and porters which may be plying in said town for hire. They shall also have the power, whenever, in their opinion, the interest of said town may require it, to levy and collect taxes on dogs and other domestic animals, not exceeding five dollars on each dog or other animal. They shall also have the right to tax, not exceeding one hundred dollars, for each exhibition or performance, all shows, exhibitions, or performances or concerts given, made, or exhibited for money or property within said town, or within one half mile of the limits thereof, and may prohibit them until a license be obtained.

May levy poll-
tax.

A poll-tax, not exceeding one dollar and fifty cents, shall be levied on each male inhabitant of said town over twenty-one years of age.

Collector and
his powers.

§ 24. When the said taxes are made out and fixed, as herein provided, a list shall be placed in the hands of a collector, to be appointed by the board, with their warrant or authority to collect the same. The power of the collector of said town taxes shall be the same as to distraining, advertising, and selling property, as is now granted by law to the sheriffs in the collection of the State revenue and county levy; and for failing to pay taxes on real estate, the same remedies, by damages and sale of the real estate, shall exist, and the same lien exist on the property taxed, as in the collection of the State revenue. Bond, with good security, in an adequate penalty, shall be taken of said collector, payable to the town of Smith's Grove. The collector and his sureties shall be liable to judgment by motion in the Warren circuit court for failing to collect and pay over any sums put into his hands for collection, at the time stipulated, with ten per centum interests and costs; and five days' notice of such motion shall be sufficient, and there shall be no replevin or valuation of property on executions issuing on such judgments. A lien shall exist on the real estate of said collector and his sureties for the payment of all sums placed in his hands for collection. It shall be the duty of the said collector to continue the collection of taxes, and other town dues, until his successor shall be appointed and qualified; and he shall settle his accounts, from time to time, as the board may require.

Treasurer and
his duties.

§ 25. The board shall appoint a treasurer, to whom all moneys belonging to the town shall be paid. No claims against the town, except town bonds or interest thereupon,

shall be paid, until the same are audited and allowed by the board. In all cases the payment shall be upon an order drawn by the clerk upon the treasurer for the amount appearing to be due the claimant, for which order he shall execute a receipt to the clerk. When the treasurer has been appointed, and the funds paid over to him, the chairman shall indorse such order in his official capacity on the application of the holder, and the treasurer shall pay the same on presentation; such order in the hands of the treasurer, together with the receipt taken by the clerk, shall be evidence of its payment. Like bond shall be required from the treasurer, and like remedies are hereby given, as in case of the collector of taxes.

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§ 26. The board shall have power to borrow money on the credit of the corporation, and issue the bonds of the town therefor, bearing interest payable annually, redeemable at periods not exceeding twenty years from their date: *Provided*, That the interest paid shall in no case exceed eight per centum per annum, and that the amount of said bonds outstanding at any time shall not exceed fifteen thousand dollars; said bonds shall be signed by the chairman and countersigned by the clerk of the board, and shall be the bonds of the corporation.

May borrow money and issue bonds to pay same.

§ 27. They shall annually publish an account of all the moneys received, and of all the payments made, during the year they are in office, together with a statement of the town debt at the expiration of their term.

To make annual report.

§ 28. The board shall have, for cemetery purposes, not exceeding twenty acres of land, either within or outside the limits of said town.

May purchase ground for cemetery.

§ 29. They shall have full power to pass all needful ordinances and by-laws for carrying into effect the powers herein granted, and executing all the provisions of the charter, with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbance of religious worship, riots, breaches of the peace, and tippling-houses, where the penalty may be one hundred dollars. They shall also have power to appoint all subordinate officers necessary to carry the provisions of this act into effect, such as police officers, overseers of the work-house, market-master, weighers, and any other that may be required, and to require bond and security of them for the faithful discharge of their duties.

May pass by-laws, ordinances, &c., and may fix penalty for violating same.

§ 30. The board shall cause all the by-laws and ordinances to be fairly recorded in the journal of their proceedings, and cause public advertisement of the same to be posted in two or more public places in said town.

By-laws, &c., to be recorded.

§ 31. There shall be established in said town a court, to be styled the "Smith's Grove police court," which shall be

Police judge and his power and jurisdiction.

1872. held by one judge, elected as provided for in the thirty-fifth section of this act; said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said town, and civil, penal, and criminal jurisdiction in all cases where, by the laws of this State, justices of the peace within the county of Warren are or shall be authorized to hear, determine, or in any manner to act; and the laws of this State directing and regulating the dispositions of the fines assessed in justices' courts shall be applicable to this court; and as to committing criminal offenses, and sending them on for trial, and admitting them to bail, said court shall have the power of two justices of the peace; and for contempts to his court, said judge shall have the same power and authority to punish, by fine and imprisonment, that county courts have.

Fees of, police judge.

§ 32. Said police judge shall be entitled to charge and receive the same fees as those allowed by law to justices of the peace for similar services, to be collected in the same way.

Persons violating laws to be confined in county jail.

§ 33. All persons convicted of violating the ordinances or by-laws of said town, and failing to pay the fines assessed against them, may be confined in the jail of Warren county until the fines are discharged, at the rate of two dollars per day.

Citizens to work on roads.

§ 34. That the citizens of said town shall be bound, as heretofore, to work upon the roads and streets in said town, and keep the same in good repair, and shall be exempt from working upon roads outside the limits of said town.

Police judge and marshal—when elected a term of office.

§ 35. The police judge and marshal of said town shall have the same qualifications, and shall be elected by the qualified voters of said town, at the same time, and in the same manner, and hold their offices for the same term, as county judges and sheriffs respectively, and shall be liable to removal in the same manner. An election for police judge and marshal of said town shall be held on the first Saturday in April, 1872, by the qualified voters of said town, to hold their offices respectively until the regular time now prescribed by law for the election of county judges and sheriffs respectively.

§ 36. Said town shall have the right to assess, levy, and collect taxes for the year 1872.

§ 37. This act shall take effect upon its passage.

Approved March 13, 1872.

CHAPTER 496.

1872.

AN ACT to amend an act, entitled "An act to reduce into one the several acts regulating the Butler Seminary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter settlements with the trustees of the Butler Seminary may be made with the judge of the Butler county court, or such commissioner as said county court judge shall designate and appoint for that purpose; which appointment shall be made in open court and entered of record.

Trustees' settlements to be made with county judge.

§ 2. That all settlements made after the passage of this act with the Butler Seminary trustees shall be reported to and filed in the Butler county court, and shall be by said court disposed of and be recorded in the clerk's office thereof as settlements with personal representatives are required by law to be disposed of and recorded.

Settlements to be filed with county court.

§ 3. That the trustees of said seminary shall, within sixty days next succeeding the passage of this act, and once every twelve months thereafter, settle their accounts as herein provided; and that, from and after the date of their first settlement made after the passage of this act, the treasurer of said board of trustees shall account for, and be charged with, interest on the said seminary funds shown to be in his hands, at the rate of ten (10) per cent. per annum.

Settlements to be made annually.

§ 4. That a majority of said trustees concurring may, at any time, by and with the advice and consent of the Butler county judge, cause to be erected on the seminary grounds, in Morgantown, a teacher's residence and the necessary out-buildings, or cause an addition attached to the present seminary to be built, as in their judgment will most tend to facilitate the educational interests of their county; and may cause such building or buildings to be paid for out of the seminary fund on hand, and may draw on the treasurer of said trustees for the funds necessary therefor.

Trustees may erect buildings, and pay for same out of seminary funds

§ 5. This act shall be in force from and after its passage.

Approved March 13, 1872.

CHAPTER 497.

AN ACT for the benefit of E. G. Davidson.

WHEREAS, It appears that Louisa Eldridge, a citizen of Clinton county, was declared to be a person of unsound mind and a pauper lunatic on the first day of March, 1871, by the Clinton circuit court, and ordered to be con-

1872. fined in the Eastern Lunatic Asylum at Lexington, and E. G. Davidson, of Clinton county, was appointed by said court a committee to said pauper lunatic, and said asylum having already more than its complement of patients at that time and ever since, and the superintendent, in consequence, refusing to receive said pauper lunatic; and it further appearing that the judge of said court did direct said E. G. Davidson, of Clinton county, to take, confine, and properly treat said Louisa Eldridge, and he did faithfully perform said duty from the 1st day of March, 1871, until the 12th day of December, 1871, inclusive; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury for the sum of one hundred and fifty-five dollars and fifty cents (\$155 50), in favor of the said E. G. Davidson, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 400.

AN ACT for the benefit of Jas. Vinson and others, in Hardin county.

WHEREAS, In the month of June, 1867, John A. Raine, R. L. Raine, Samuel Sullivan, Thos. Brunk, Wm. Stuart, Wm. Williams, John S. Cash, J. S. Newnan, Edgar Dyer, Anderson Dorsey, C. W. Matthis, and E. Shelburn, did, under an act of the General Assembly of the Commonwealth of Kentucky, approved March 9th, 1854, and the various amendments thereto, organize themselves into a voluntary association, he designated the Sonora Institute; and whereas, the property and stock in said Institute was sold and transferred, so that on the 25th day of February, 1871, the entire stock and property was owned by J. Toll Miller, B. F. Collins, W. L. Williams, S. H. Sullivan, Wm. Stuart, T. J. Brunk, C. W. Matthis, J. A. Raine, E. F. Dyer, John S. Cash, Josiah Phillips, E. Shelburn, A. J. Dorsey, R. L. Raine, and John H. Bland, who did, on the 25th day of February, 1871, convey, by deed of general warranty, to Jas. Vinson, the lands, house, all the stock and property of the original Sonora Institute; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale and transfer of the above named

property to James Vinson be, and the same is hereby, approved.

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§ 2. This act to take effect from its passage.

Approved March 13, 1872.

CHAPTER 500.

AN ACT for the benefit of C. G. Beard, of Clinton county.

WHEREAS, It appears, that Maranda Evans, a citizen of Clinton county, was declared to be a person of unsound mind, and a pauper lunatic, on the first day of February, 1871, by the Clinton county court, and ordered to be carried to the Eastern Lunatic Asylum at Lexington, and L. W. Beard was appointed by said court a committee to said pauper lunatic; and said asylum having more than its complement of patients at that time and ever since, and the superintendent in consequence refusing to receive said pauper lunatic; and it further appearing that C. G. Beard has, since the judgment of said court, taken care of the said pauper lunatic, and that he has faithfully performed the duty as committee to said pauper lunatic from the said 1st day of February, 1871, until the 1st day of January, 1872, inclusive; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby directed to draw his warrant upon the Treasury for the sum of one hundred and eighty-three dollars, in favor of the said C. G. Beard, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 501.

AN ACT for the benefit of A. H. Calvin, of Fayette county.

WHEREAS, It appears that Daniel Webster, a person of unsound mind, was, on the 8th day of April, 1871, by order of the county court of Fayette, directed to be confined in the Eastern Lunatic Asylum at Lexington, and said asylum having already more than its complement of patients at that time, and the superintendent, in consequence, refusing to receive him; and it further appearing that the judge of the county court did direct A. H. Calvin, of the county of Fayette, to take, confine, and properly

1872. treat said Webster, which order said Calvin did faithfully perform from the 8th day of April, 1871, until the 28th day of May, 1871, inclusive; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant upon the Treasury for the sum of \$65, in favor of said Calvin, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 502.

AN ACT for the benefit of Green V. Holland.

WHEREAS, Green V. Holland, common school commissioner of Jackson county, owing to the irregularity of the mail, did not receive any notice that the law required the sum of two dollars to be retained out of the apportionment for the present school year from each district in his county which did not vote to reject Collins' Historical Sketches of Kentucky, for the purpose of purchasing said book for each of said districts; and whereas, said Green V. Holland did proceed and pay out the entire amount due twenty-three districts in his county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his order on the Auditor, in favor of said Green V. Holland, for the sum of forty-six dollars, such being the amount so paid out, and said sum shall be deducted from the surplus fund of Jackson county.

§ 2. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 503.

AN ACT to incorporate Proctor Male and Female Seminary, in Lee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. W. Twyman, W. H. Reed, W. B. Eve, R. B. Javinson, and John S. Mahan, be, and they are hereby, created a body politic and corporate, under the name and style of the "Proctor Male and Female Seminary;" and by that name they, and their successors, may sue and be sued, plead and be impleaded, in all the courts of this State; may contract and be contracted with; may acquire

Corporators' names.
Name and style.

and hold real and personal estate, not exceeding thirty thousand dollars; and may sell, convey, or otherwise dispose of the same.

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§ 2. The trustees shall have power to elect a president and such other officers as they may deem proper, and may require a bond from any of them for the faithful performance of the duties of his office. They shall have power to make such by-laws, rules and regulations, for the government of the seminary, not inconsistent with the Constitution and laws of this State or of the United States, as they may deem expedient and proper; they may procure and use a common seal.

Trustees to elect all officers

§ 3. The trustees shall have power to confer upon the students in said seminary any or all diplomas or degrees conferred by any of the colleges of this State; but all such diplomas or degrees must also be signed by the principal of the seminary.

May confer degrees, &c.

§ 4. That when the seminary hereby made corporate shall afford facilities for teaching all the children of the school district in which it may be located, then the school trustees shall report the same as the common school of said district, and it shall be entitled to draw all moneys coming to such district from the common school fund.

May teach common school in seminary, and draw school funds.

§ 5. The capital stock of said company shall not exceed twenty-five thousand dollars, divided into shares of twenty-five dollars each; any or all of the stock may be transferred or sold at the pleasure of the owner; but such transfer or sale must be noted on the books of the company.

Capital stock.

§ 6. The persons herein named as corporators, and their successors in office, shall be a board of trustees, and shall have the management of the institution, with all the powers herein granted to the corporation. The trustees herein named shall hold their offices until the fourth Saturday in August next, and until their successors are elected and qualified. The election for trustees shall be held annually on the fourth Saturday in August; they shall have power to provide by their by-laws for the filling of any vacancy that may occur in their body; at all elections herein provided for, each stockholder shall be entitled to one vote for each share of stock subscribed and paid in.

Powers of trustees.

§ 7. That this act shall take effect from and after its passage.

Approved March 13, 1872.

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CHAPTER 504.

AN ACT reducing the salary of the toll-gate keepers on the Wilderness Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the toll-gate keepers on the Wilderness Turnpike Road shall hereafter receive a salary of one hundred and fifty dollars per annum each, for their services rendered as such toll-gate keepers, in lieu of the salaries now provided by law. That all acts or parts of acts allowing the toll-gate keepers, or any of them, any other or greater salaries for their services on said road, are hereby repealed.

§ 2. This act shall be in force from its passage.

Approved March 13, 1872.

CHAPTER 505.

AN ACT to amend the charter of the town of Blandville, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the corporate limits of the town of Blandville shall be as follows, to-wit: Beginning at a point and stake in George S. Johnson's field, six hundred yards west of the court-house; and running thence north six hundred yards to a stake and hickory tree; thence east twelve hundred yards to a stake in C. P. Ray's field; thence south fourteen hundred yards to a stake hickory and black gum; thence west twelve hundred yards to a stake elm and hickory; and thence north eight hundred yards to the place of beginning.

Trustees may
levy taxes.

§ 2. That in addition to the powers now vested in the trustees of said town, they shall have power to levy and collect an annual tax on the males over twenty-one years of age residing in the town of not exceeding two dollars upon the head, and an ad valorem tax on all real and personal property situated or owned and being in the town, and subject to taxation by the general laws of the State, of not exceeding fifty cents on the one hundred dollars; they may also impose and collect of the owner a tax not exceeding two dollars on each dog kept in the town; they shall also have power to regulate auctions in the town, and to impose upon the auctioneer or owner of the goods sold at auction in the town a tax not exceeding five dollars per day, and to impose a like tax on all peddlers selling goods, wares, or merchandise in the town; they shall also have power to grant collee-house license, and to require a tax on each license granted of not less than fifty

Other powers.

nor more than two hundred dollars, and to impose a tax not exceeding twenty-five dollars on each tavern-keeper or merchant selling wine or spirituous liquors in the town; and they shall also have power to appoint and prescribe the duties of a city attorney, and such other officers as may be necessary for the town, and to fix their compensation.

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§ 3. The trustees shall be elected on the first Saturday in September of each year.

Election of trustees.

§ 4. At the same time and place, and in the same manner that the trustees are first elected under this act, there shall be elected for said town a police judge and marshal. The police judge shall be elected on the same day in every fourth year, and shall be commissioned by the Governor, and hold his office until his successor is elected or appointed and qualified; and in civil cases within said town, his jurisdiction shall be the same as that of a justice of the peace. He shall hold his courts on such days as may be prescribed by the county court, and shall be entitled to charge and collect the same fees in civil, penal, and criminal cases that justices of the peace are allowed for similar services. The marshal shall be elected on the first Saturday in September of every second year, and hold his office until his successor is duly qualified. His fees in all cases shall be the same as those of constables for similar services. He may also, by order of the trustees, collect all taxes, and for this purpose shall have the same powers which sheriffs have, or may have, in the collection of the State revenue taxes.

Police judge and marshal—when elected a their powers.

§ 5. All acts or parts of acts in regard to said town, inconsistent with the provisions of this act, are hereby repealed.

§ 6. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 507.

AN ACT to amend the charter of the town of Hustonville, and amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts or parts of acts creating a charter for the town of Hustonville, in Lincoln county, or amending the same, which confers the privilege of taxing and licensing taverns and coffee-houses in said town, be, and the same are hereby, repealed.

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§ 2. That for the period of five years from the passage of this act, no spirituous, vinous, or malt liquor shall be sold either in said town or within one mile of the corporate limits of the same: *Provided*, That druggists may, upon the written prescription of a regular practicing physician, for medical purposes, sell liquor in said town; but said prescription shall be filed by the druggist filling the same, subject to the inspection of any person who may call for an inspection of the same.

§ 3. That any person violating this act shall be fined for each offense not less than one hundred nor more than two hundred dollars, to [be] enforced by indictment before a grand jury of said county.

§ 4. This act to take effect and be in force from its passage.

Approved March 13, 1872.

CHAPTER 508.

AN ACT for the benefit of Fleming County Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act for the benefit of Fleming County Seminary," approved March 9th, 1868, be, and the same is hereby, repealed.

§ 2. That the county court of said county be, and are hereby, authorized to elect five trustees as common school commissioners are elected, whose duty it shall be to govern and control said seminary, for the purpose of carrying on therein a high school for the benefit of said county.

§ 3. This act shall take effect and be in force from its passage.

Approved March 13, 1872.

CHAPTER 509.

AN ACT appointing trustees for Williamstown Cemetery, in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Smith, E. H. Smith, John H. Webb, Thomas Combs, and W. N. Hogan, be, and they are hereby, appointed trustees of Williamstown Cemetery, in Grant county.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 510.

1872.

AN ACT to amend the charter of the Kentucky Association for the Improvement of the Breed of Stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Kentucky Association for the Improvement of the Breed of Stock be, and the same is hereby, so amended that said association shall not be compelled to pay to its members any interest or dividends on their shares which may accrue after the passage of this act, except out of any surplus which may remain in the treasury of said association after the payment of its debts.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 511.

AN ACT for the benefit of B. L. Carr.

WHEREAS, B. L. Carr was the teacher of common school district No. 15, in Hickman county, during school year ending June 30, 1872, and sixteen children of pupil age, from the county of Ballard, attended school, and were taught by said Carr; and whereas, said children's tuition has never been paid, there being no school taught in the district in which they were listed; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw an order on the Auditor, in favor of said B. L. Carr, for the sum of thirty-seven dollars and sixty cents, such being the amount due if said children had been regularly reported; and said sum shall be paid out of the bond fund of Ballard county.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 513.

AN ACT to amend the charter of the St. Bernard Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the St. Bernard Coal Company be, and the same is hereby, so amended that said company

1872.

may purchase and own ten thousand acres of land in this State.

§ 2. This act to be in force from and after its passage.

Approved March 13, 1872.

CHAPTER 515.

AN ACT for the benefit of Jas. M. Eifort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That James M. Eifort having served as guard, by order of the Carter county court, in conveying Benjamin Davis, a lunatic, to the Lunatic Asylum at Lexington, in June (1863), eighteen hundred and sixty-three, and his fees for services and traveling expenses amounted to the sum of thirty-five dollars, and that he has never been paid for said services; the Auditor is therefore directed to draw his warrant in favor of said Eifort on the Treasurer for that sum, to be paid out of any moneys in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 13, 1872.

CHAPTER 516.

AN ACT for the benefit of school district No. 38, in Trigg county.

WHEREAS, The commissioner of common schools for the county of Trigg, in his census report to the Superintendent of Public Instruction for the school year ending June 30th, 1871, made a mistake in the number of pupil children in district No. 38 of said county, reporting forty-one instead of forty children; and whereas, a three months' school has been taught in said district during said school year; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the school commissioner of Trigg county is hereby authorized to accept the report of a three months' school for said district, and to draw his draft on the Auditor for the full amount due for forty children, the correct number in said district, for school year ending June 30th, 1871, which draft, when countersigned by the Superintendent of Public Instruction, shall entitle said commissioner to a warrant on the Treasury for said amount so due, and which, when collected, he shall pay over to the

LAWS OF KENTUCKY.

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trustees of said district for the purpose of paying the teacher thereof.

1872

§ 2. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 517.

AN ACT exempting the property now occupied by Z. F. Smith, in Harrison county, for school purposes, from taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property of Z. F. Smith, in Cynthiana, Ky., now occupied and used by him for educational purposes, shall be, and the same is now, exempted from all taxation for State, county, and city purposes, so long as said property is so occupied and used: *Provided*, The property so exempted shall never exceed five thousand dollars.

§ 2. That this act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 518.

AN ACT for the benefit of James B. Wiley, of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasury, in favor of James B. Wiley, of McCracken county, for eleven dollars and seventy-five cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 13, 1872.

CHAPTER 519.

AN ACT for the benefit of John G. Johns, of Floyd county.

WHEREAS, It appears that there was issued by the clerk of the Floyd county court red fox and wild cat certificates amounting to the sum of twenty-nine dollars and twenty-five cents after the passage of the act requiring the head to be produced, in which the said clerk used the word scalp instead of the word head; and whereas, said certificates or claims were allowed by the circuit court in and for said county, and ordered to be certified to the Auditor

1872. for payment, but which he declines to pay because of the use of the word scalp as aforesaid, instead of the word head; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and required to draw his warrant on the Treasury in favor of John G. Johns, the owner and holder of said claims, for the sum of twenty-nine dollars and twenty-five cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 520.

AN ACT to organize and establish a system of public schools in the city of Hopkinsville for white children in said city.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

District incor-
porated.

§ 1. That all the territory embraced within the limits of the city of Hopkinsville, or which may be hereafter embraced in said city, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, elected by the citizens of said city as hereinafter directed.

Corporate
name & style.

§ 2. The persons so elected shall constitute and be styled the board of trustees of the Hopkinsville public schools, and by that name shall be body-politic and corporate, and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title of all public school property in said district shall vest in said board and their successors forever.

Trustees—
when elected &
their duties.

§ 3. The number of trustees for said district shall be five, to be elected on the second Saturday in July biennially, and hold their offices until their successors are elected and qualified. A majority of said board shall constitute a quorum for the transaction of business; and in case of the death or resignation of any of said trustees, or if, from any cause, there shall be a vacancy, the other members of the board shall fill said vacancy by the appointment of some suitable and qualified person; said trustees to qualify on the second Monday after their election.

Trustees to
take oath.

§ 4. Said trustees, before entering upon the discharge of their duties, shall take an oath to faithfully perform the duties required of them under this act before a justice of the peace or county judge.

May make
by-laws, &c.

§ 5. The said board of trustees shall have power to fix the time and place of meeting; to make all by-laws and

1872.

rules for the government of themselves and appointees, and for the management, control, and government of the public schools; and shall cause to be kept a correct journal of their proceedings, which shall be open at all times to the inspection of any citizen of Hopkinsville.

§ 6. The said board shall appoint one of its members chairman, who shall preside at all meetings, and perform such other duties as may be devolved upon him; and may appoint a secretary, prescribe his duties, and fix his compensation.

§ 7. The board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher or other person appointed by them, prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission into the schools.

Trustees to appoint teachers, fix compensation, and prescribe studies.

§ 8. All white children over six and under twenty years of age, within said district, shall have equal right of admission to said schools, free from all charges for admission or tuition; and it is expressly provided that only white children shall be admitted to said schools.

Qualification of scholars.

§ 9. The said board of trustees shall, at the end of each scholastic year, make out a report, in writing (and have the same published if they deem it necessary), showing the number of pupils in each of the schools, and the condition and amount of property and funds belonging thereto, and such other facts and information as the cause of public education requires.

Trustees to make annual report.

§ 10. The following persons are hereby constituted and appointed trustees under this act, viz: Jas. A. Wallace, Wm. Skerrett, Geo. C. Long, G. A. Champlin, and R. J. McDaniel, with power to fill vacancies as herein provided, and serve until their successors are elected and qualified.

Trustees' names.

§ 11. The board of councilmen of the city of Hopkinsville shall provide the funds for purchasing suitable grounds, and for building the school-house or houses, and paying all the expense of said schools; and to this end it shall be the duty of said board of councilmen, and they are hereby authorized and empowered, to issue the bonds of the city of Hopkinsville to such an amount as may be necessary to provide suitable grounds and school-houses; but such amount shall not exceed twenty thousand dollars; the said bonds may be of any denomination, not exceeding one thousand dollars each, running not longer than thirty years, bearing interest at any rate not exceeding ten nor less than seven per cent. per annum, payable semi-annually; said bonds, in this section pro-

Board of councilmen to provide funds for school purposes.

Council to issue bonds for said purpose.

1872.

Shall levy tax
to pay bonds.

Assessor to
assess property
for school pur-
poses.

Proposition to
issue bonds to
be voted on.

vided for, shall be made payable to bearer, shall be signed by the chairman of said board of councilmen, and attested by the clerk thereof and shall pass by delivery; and the board of councilmen of said city shall cause an annual tax to be levied and collected upon the same property, belonging to white persons, in said city, as taxed by the city for city purposes, and the assessments to be made at the same time as required by law for city revenue, to an amount sufficient to pay the interest on said bonds and the principal when they fall due: *Provided*, That the tax so levied shall not exceed thirty cents on each one hundred dollars in any year; and there shall also be levied, annually, by said board of councilmen, a capitation tax, not exceeding two dollars on each white male citizen in said city of Hopkinsville over twenty-one years of age; the city assessor shall make the assessments necessary for fixing and collecting said taxes, under such rules and regulations as may be prescribed by said board of councilmen; said taxes shall be collected by the city collector, at the same time and in the same manner as the city revenue is collected; and the officer so collecting said taxes shall, with his sureties, be responsible upon his official revenue bond for the faithful discharge of his duties, with such penalties as are now prescribed by law for delinquencies. This tax shall be collected in money, and shall be separate from the city funds, and shall only be used in the payment of the interest and principal of the bonds issued under this act: *Provided*, That the interest coupons upon any of said bonds, which coupons may be due, may be taken in payment of the tax for the interest on said bonds, and any of said bonds themselves, by consent of the board of councilmen, may be taken in payment of any debt due said city for municipal purposes: *Provided further*, That the said bonds shall not be issued until the question of their issue shall have been submitted, by said board of councilmen, to the resident tax payers of said city, required to pay taxes under this act for said public schools; and if a majority of said tax-payers voting shall vote in favor of the issue of said bonds, then it shall be the duty of said board of councilmen to issue said bonds as aforesaid. The proposition for issuing said bonds shall be submitted to said tax-payers, by said board of councilmen, in the same manner (except as to those voting) as now provided in the charter of said city for the issuing of bonds for turnpikes and other purposes; and it shall be the duty of said board of councilmen to submit the proposition for the issue of said bonds to said tax-payers, upon the written request of a majority of said trustees, and the proposition for such issue may be submitted any

number of times, notwithstanding a majority of said taxpayers may have previously voted against issuing said bonds.

1872.

§ 12. The board of councilmen for said city shall cause to be levied and collected an annual tax, at the rate of not exceeding thirty-five cents upon each one hundred dollars' worth of the same property owned by white persons that is taxed by the city for city purposes; the assessment and collection to be made at the same time, and in the same manner, as required by law for the city revenue. This tax shall be called and known as the school tax, and only be payable in money, and is to be used for the purpose of defraying the yearly expenses of the said public schools, including repairs upon school buildings and premises: *Provided*, That only the property of white persons shall be taxed under this act.

Annual school tax to be levied for support of schools.

§ 13. All funds arising from the sale of bonds under this act, and funds collected for the purpose of defraying the yearly expenses of said schools, shall go into the hands of the treasurer of said city, who shall be responsible therefor upon his official bond; said treasurer shall pay out said funds for the purposes for which they were respectively raised, upon the written order of the chairman and at least two other members of said board of trustees.

Funds to go into hands of city treasurer.

§ 14. Any private property in the city of Hopkinsville may be condemned for school purposes, whenever, in the opinion of the board of trustees of the Hopkinsville public schools, it shall be necessary, and the proceedings for condemning the same shall be had in the same court, and shall be conducted in the same manner, and subject to the same restrictions and conditions, as are now provided by law in the case of condemning property in the city of Hopkinsville for streets and other purposes: *Provided*, That such proceedings shall be in the name of said board of trustees; and before any such proceedings shall be commenced in court, the tender of money to pay for the property subject to be condemned, when necessary to be made, shall be made to the owner or owners thereof by the chairman of said board, instead of the chairman of the board of councilmen of said city, and the purchase price or compensation for same shall be paid out of the funds which the said board of trustees are authorized by this act to use for such purpose; and thereupon the title to said lot shall vest in said board of trustees.

Trustees may condemn property for school purposes.

§ 15. The school commissioner for the county of Christian shall pay over to said trustees, or a majority of them, the school funds going to said district under the school laws of the State as now directed by law, which funds shall be used only in payment of teachers in said schools.

School fund of said district to be paid to trustees.

1872.

§ 16. The board of trustees may admit into said schools white children who are non-residents of said district, upon the payment of such charges as may be agreed upon.

Qualification
of voters.

§ 17. No person shall be allowed to vote at any election under this act who has not paid all taxes due from him under this act, save and except such taxes as may have been assessed in the year in which the election is held.

Duties of
officers of elec-
tion.

§ 18. The board of councilmen shall appoint two judges and a clerk to hold the elections for trustees of said district, who shall be sworn as officers for holding State and county elections; and said judges shall make out and return the poll-books to said board, who shall examine same and issue certificates of election to those having the highest number of votes.

§ 19. All expenses of assessing, levying, collecting, and disbursing funds and taxes raised under this act shall be paid out of such funds and taxes, and nothing out of the revenue of said city.

§ 20. This act shall take effect and be in force from and after its passage.

Approved March 13, 1872.

CHAPTER 521.

AN ACT to amend an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city," approved March 13th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

School age of
children.

§ 1. That the fourteenth section of an act to organize and establish a system of public schools in the city of Owensboro for white children in said city, approved March 13th, 1871, be, and the same is hereby, so amended as to allow all white children over seven years of age, instead of six years of age, as is provided in said section, equal right of admission to said schools.

Common coun-
cil to issue
bonds for
school purposes

§ 2. That the eighteenth section of said act be, and the same is hereby, so amended as to authorize and empower the mayor and common council of said city to issue the bonds of the city of Owensboro as provided in said section, to an amount necessary to provide suitable grounds and school-houses for said public schools; but such amount shall not exceed twenty thousand dollars in addition to what is now authorized by the provisions of said section.

Amount of tax
to be levied.

§ 3. That said eighteenth section be, and the same is, so amended as to provide that the capitation tax authorized to be levied on each white male citizen over twenty-one years of age in the city of Owensboro, together with an annual tax of not more than thirty cents on each hund-

red dollars' worth of property in said city, to be assessed, collected, and accounted for as required by existing law, which shall be called and known as a school tax, payable only in money, and is to be used exclusively for the purpose of defraying the yearly expenses of said public schools, provided only that the property of white persons shall be taxed for the purposes aforesaid.

1872.

§ 4. That persons living in the county of Daviess, and outside of the limits of the city of Owensboro, but who own property within said city, and pay taxes thereon under the act to which this is an amendment, may send their children to the said public school as now permitted by law; and in the payment of tuition for their children, shall have credit to the amount of tax so paid; but said credit shall not exceed the amount of tuition for the child or children sent to the said school.

Persons living in county owning property in city and paying tax may have credit for amount of tax.

§ 5. That as to sections two and three of this act, the said sections shall not take effect until the same shall be ratified by a majority of the votes of the qualified white voters of the city of Owensboro, to be polled at the first regular election to be held in said city for mayor and councilmen. It shall be the duty of the mayor of Owensboro to give due notice, in such manner as he may think best, of this act, and of the time and place of the said election.

Law to be ratified by qualified voters.

Approved March 13, 1872.

CHAPTER 522.

AN ACT to amend the charter of the Citizens' Passenger Railroad of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Citizens' Passenger Railway Company of Louisville be, and it is hereby, authorized (the assent of the general council of said city being first obtained) to extend its road, by single track, from Market street along Hancock street southwardly as far as said Hancock street is graded and paved; thence by such street running east and west as may be necessary for the purpose, to Jackson street; and thence along Jackson street to Market street: *Provided*, That, in the construction and subsequent operation of the extension above granted, said company shall be governed in all particulars as if it had been authorized by the contract with the city of Louisville under which the Market street road was built and is operated: *And provided further*, That said single track may or shall be still further extended along said Hancock and Jackson streets

1872. southwardly, whenever said company may elect so to do, or whenever required so to do by resolution of the general council of Louisville, after said streets, and the necessary streets running east and west, shall have been, from time to time, still further graded and paved.

§ 2. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 523.

AN ACT to amend an act, entitled, "An act for the benefit of the sureties of W. B. Simmons, late sheriff of Meade county.

WHEREAS, It is represented to the Legislature that Collins Fitch and his co-sureties named in said act, including J. P. Sibert, have complied with the requisites of said act, by paying into the State Treasury the sums therein required, and returning to the county court of Meade all evidences of dues and balances due from citizens to the said Walter B. Simmons, amounting to \$———,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth section of an act for the benefit of the sureties of Walter B. Simmons, late sheriff of Meade county, approved on the 31st January, 1867, be so amended as to read, "and all such evidences of dues and balances due from citizens to Simmons, shall be and inure for the use and benefit of the said W. B. Simmons, as late sheriff, and David Henry, administrators; R. R. Jones, James Lockett's administrator; E. C. Ashcraft, Oren Powell, Ed. Rhodes, E. M. Johnson, Benj. Neafus' administrator; Isaac P. Sibert, Collins Fitch, John Powell, and Richard Kay, his securities on his official bond, for the year 1863 and 1864.

§ 2. That said evidences of indebtedness, viz: tax receipts, fee bills, notes, &c., when collected, shall first be applied to pay the liabilities of said Simmons as sheriff; and should there be any surplus after the payment of said liabilities, then such surplus shall be for the exclusive use and benefit of said Simmons.

§ 3. That no act of limitation shall act as a bar to the collection of said evidences of indebtedness, until the expiration of two years after the passage of this act.

§ 4. That the tax receipts and fee bills shall retain their restrainable force for two years.

§ 5. This act to take effect from the date of its passage.

Approved March 13, 1872.

CHAPTER 524.

1872.

AN ACT to amend an act entitled "An act to amend the charter of the Owensboro and Russellville Railroad," approved January 22, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of the act to which this an amendment be so amended as to read, that said railroad company may issue and sell mortgage bonds of any denomination, to the amount of fifteen hundred thousand dollars, on the same terms and conditions as the act to which this is an amendment; and all bonds which may have been issued by said company, of any denomination, under said section, to which this is an amendment, are hereby legalized.

§ 2. This act to take effect from its passage.

Approved March 13, 1872.

CHAPTER 525.

AN ACT to amend the charter of the town of Cloverport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Cloverport shall have power to issue the bonds of said town for a sum not exceeding five thousand dollars (\$5,000) as the whole at any one time, bearing a rate of interest not exceeding ten per centum per annum, payable semi-annually; no bond shall be issued for a larger sum than five hundred dollars. The said bonds shall be signed by the chairman, and countersigned by the clerk of said board of trustees; and the amount, date, and when due, of each bond, shall be entered upon the records of said board as the same is issued; they shall be made payable in not exceeding five years from their date, but shall be redeemable at the option of the board.

§ 2. That section nine of an act amending the charter of said town, approved March 5th, 1868, be, and the same is hereby, repealed.

§ 3. This act shall take effect from its passage.

Approved March 12, 1872.

1872.

CHAPTER 526.

AN ACT to amend the charter of the town of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eleven (11) of the act, entitled "An act to amend and reduce into one the acts in relation to the town of Ashland," approved March 1st, 1868, be amended by striking out the first proviso in said section: That the same property shall be liable to levy and sale for the payment of any tax heretofore levied, or that may be hereafter levied, under the charter and by-laws of the town of Ashland, that is liable to levy and sale for State revenue tax.

§ 2. This act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 527.

AN ACT to amend the charter of Dixon, in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the police judge of the town of Dixon, in Webster county, and his successors in office, to fix the regular terms monthly of his court for the trial of all cases, civil and criminal, of which said judge has jurisdiction, by an order entered on his record-book.

§ 2. That this act shall take effect from its passage.

Approved March 13, 1872.

CHAPTER 528.

AN ACT to extend and enlarge the corporate limits of the town of Albany, in Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Albany, in Clinton county, be, and the same are hereby, extended and enlarged, so as to include the dwelling-houses of W. F. Harrison and James M. Bristow, and all who may reside with the said Harrison or Bristow within the corporate limits of said town.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1872.

CHAPTER 529.

1872.

AN ACT to amend the charter of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of Owensboro may levy each year a specific tax on each house for the sale of merchandise of any kind, dry goods, groceries, or liquors, or any or all of them, boat stores, or for the purchase and sale of country produce, upon each tobacco stemmery, forwarding and commission house, or boat occupied for any of the above purposes, of any sum between five and one hundred dollars; and, in addition to said specific tax, they may levy on all such houses, goods, groceries, liquors, boat stores, merchandise, or other property, the same ad valorem tax as is levied on other property in said city. So much of section nine of the charter of said city, approved February 16, 1866, as may be in conflict with this act, is hereby repealed.

§ 2. This act shall take effect and be in force from its passage.

Approved March 13, 1872.

CHAPTER 530.

AN ACT to enlarge the boundaries of the town of Morganfield, in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Morganfield, in Union county, Kentucky, be so enlarged as to cover and contain an area of one square mile, of which the centre of the crossing of Main and Morgan streets, in said town, as now laid out, shall be the centre; and C. C. Buchman, the surveyor of Union county, is hereby directed to lay off said square mile, and plant stones, plainly distinguishable, at each one of the four corners, and to return to the board of councilmen of the said town a plat or diagram of said square mile, with statement of whose land the several corners may be on, and the courses of the several lines, and shall plat within said diagram the streets and alleys of the town as now existing.

§ 2. This act shall take effect from and after its passage.

Approved March 13, 1872.

1872.

CHAPTER 531.

AN ACT to amend an act, entitled "An act to incorporate the town of Moses, in Graves county," approved March 21st, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the word *Moses*, in the first line of the first section of an act, entitled "An act to incorporate the town of Moses, in Graves county," approved March 21st, 1871, be stricken out, and the words *Water Valley* inserted in lieu thereof.

§ 2. That the ninth section of the same act is hereby repealed.

§ 3. That all acts or parts of acts coming in conflict with this act are hereby repealed.

§ 4. This act to take effect from its passage.

Approved March 13, 1872.

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